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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LUKAS GOODYEAR, individually)
and on behalf of all others)
similarly situated)
Plaintiffs,) No.
vs.) 1:23-CV-05712-TWT
DELTA AIR LINES, INC.,)
Defendants.)

REMOTE VIDEOTAPED DEPOSITION
Via ZOOM of
CHERYL GRAY
March 19, 2025
10:00 a.m. ET

STENOGRAPHICALLY REPORTED BY:
JO ANN LOSOYA, CSR, RPR, CRR
LICENSE #: 084-002437

APPEARANCES

(All participants appearing remotely)

DICELLO LEVITT LLP
MADELINE HILLS
DANIEL FERRI
10 North Dearborn Street
Sixth Floor
Chicago, Illinois 60602
(312) 214-7900
mhill@dicellolevitt.com
dferr@dicellolevitt.com

Appeared on behalf of Plaintiffs.

SEYFARTH SHAW, LLP
MITCH ROBINSON
DANIELLE SHAPIRO
1075 Peachtree Street
Suite 2500
Atlanta, Georgia 30309
(404) 704-9637
mrobinson@seyfarth.com
dshapiro@seyfarth.com

Appeared on behalf of Defendants.

Also present:

Blaze Knott

VIDEOGRAPHER: KEVIN DUNCAN

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EXAMINATION

Witness

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Line

CHERYL GRAY

By Ms. Hills

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1 THE VIDEOGRAPHER: Good morning. We are
2 going on the video record on 10:12 a.m. on March 19,
3 2025.

4 Here begins the virtual video
5 recorded deposition of Ms. Cheryl Gray taken on
6 behalf of the plaintiffs in the case matter of Lukas
7 Goodyear, et al., versus Delta Air Lines Inc., filed
8 in the U.S. District Court for the Northern District
9 of Georgia, Atlanta Division, bearing case
10 No. 1:23-CV-05712-TWT.

11 My name is Kevin Duncan, and I'm a
12 legal videographer representing Veritext Legal
13 Solutions. The court reporter today is Ms. JoAnn
14 Losoya.

15 Counsel, will you please identify
16 yourselves and affiliations starting with the
17 noticing party.

18 MS. HILLS: Madeline Hills on behalf of
19 the plaintiff from Dicello Levitt.

20 MR. ROBINSON: Mitch Robinson, counsel
21 for defendant.

22 THE VIDEOGRAPHER: Thank you, counsel.

23 Will the court reporter please
24 administer the oath.

25 (Witness sworn.)

1 WHEREUPON:

2 CHERYL GRAY,
3 called as a witness herein, having been first duly
4 sworn, was examined and testified as follows:

5 E X A M I N A T I O N

6 BY MS. HILLS:

7 Q. Good morning, Ms. Gray.

8 A. Good morning.

9 Q. Again, my name is Madeline Hills on
10 behalf of the plaintiff. We appreciate you being
11 here today.

12 Have you ever had your deposition
13 taken before?

14 A. No, I haven't.

15 Q. Okay. We're going to go through some
16 ground rules that you might have discussed with your
17 counsel just to make sure that we're all on the same
18 page.

19 So the first thing is do you
20 understand that the court reporter can only type
21 what one person is saying at a time?

22 A. Yes.

23 Q. So it is difficult for her to keep a
24 clean record if we're talking over each other so we
25 will -- I'll try to be careful not to talk over you.

1 Can you do the same for me?

2 A. Yes.

3 Q. And then we're going to take breaks about
4 every hour on the hour, but that's flexible. We'll
5 also take a longer break for lunch. If you need
6 breaks outside of that, just let me know, but I do
7 ask that you answer any pending questions before we
8 go on break.

9 Does that make sense?

10 A. Yes.

11 Q. Okay. And did you do anything to prepare
12 for this deposition today?

13 A. Just spoke with my attorney.

14 Q. Who is that?

15 A. Mitch Robinson.

16 Q. How long did you meet?

17 A. Actually, we met several times. I don't
18 have an exact amount of number of hours.

19 Q. More than one day?

20 MR. ROBINSON: Object.

21 BY THE WITNESS:

22 A. It was never a full day. We just had
23 some small meetings.

24 Q. Okay. Do you understand what this case
25 is about?

1 A. Yes.

2 Q. What is it about?

3 A. It is Mr. Goodyear is stating that he
4 doesn't believe he was paid overtime correctly
5 according to Delta's policy.

6 Q. Do you know Mr. Goodyear?

7 A. I have been in meetings with
8 Mr. Goodyear, but as far as know him personally, no.

9 Q. Is there anything preventing you from
10 testifying truthfully today?

11 A. No.

12 Q. Are there any distractions in the room
13 that you're sitting in right now?

14 A. No.

15 Q. Okay. Is there anyone sitting directly
16 across from you?

17 A. No.

18 Q. And what is your address, your current
19 address?

20 A. As in my home address or where I'm
21 presently sitting?

22 Q. Your home address.

23 A. My home address is [REDACTED] in
24 Fairburn, Georgia.

25 Q. Is that near Atlanta?

1 A. Yes, it is.

2 Q. About how far?

3 A. About ten miles outside of Atlanta.

4 Q. Okay. And how old are you?

5 A. I am 51 years old.

6 Q. Are you currently employed at Delta Air
7 Lines?

8 A. Yes.

9 Q. How long have you worked there?

10 A. For 25 years.

11 Q. Okay. So we'll go back a bit in time.
12 Did you go to college?

13 A. Yes.

14 Q. Where did you go to college?

15 A. The University of Georgia.

16 Q. And what did you study there?

17 A. French.

18 Q. And anything else?

19 A. No.

20 Q. What year did you graduate?

21 A. 1995.

22 Q. And did you have any further education
23 after college?

24 A. Yes. I have a master's degree.

25 Q. What is your master's degree in?

1 A. Information systems.

2 Q. What does that mean?

3 A. Well, it is the -- it's the study of how
4 systems work together. So I looked at HR systems,
5 how you would develop one, and how the information
6 connects.

7 Q. You looked at HR systems in particular
8 during your master's degree?

9 MR. ROBINSON: Object to form.

10 BY MS. HILLS:

11 Q. Did you study human resource systems
12 during your masters program?

13 MR. ROBINSON: Object to the form.

14 You can answer.

15 BY THE WITNESS:

16 A. No. I studied information systems in
17 general. Some of the things I focused on as a HR
18 person was HR systems.

19 Q. Did you have that focus during your
20 masters program?

21 MR. ROBINSON: Object to form.

22 BY MS. HILLS:

23 Q. What was your first job after your
24 masters -- after you finished your master's degree?

25 MR. ROBINSON: Object to form.

1 BY THE WITNESS:

2 A. I was already working for Delta when I
3 got my masters.

4 Q. Okay. So did you begin working for Delta
5 after your undergrad career?

6 A. It was several years after, yes.

7 Q. Okay. What was your first job after
8 college?

9 A. High school French teacher.

10 Q. Okay. How long do you do that?

11 A. About a year and a half.

12 Q. Was that in the Atlanta area?

13 MR. ROBINSON: Object to form.

14 BY THE WITNESS:

15 A. No.

16 Q. Where was it?

17 A. Augusta, Georgia.

18 Q. What would you do after you were a French
19 teacher?

20 MR. ROBINSON: Object to form.

21 BY MS. HILLS:

22 Q. What was your next job after you were a
23 French teacher?

24 A. I was a special needs para pro.

25 Q. A what?

1 A. A special needs para pro.

2 Q. Is that in the same school district as
3 where you were a teacher?

4 A. No.

5 Q. Where was that at?

6 A. In Norcross, Georgia.

7 Q. Okay. Is that near Augusta?

8 A. No.

9 Q. How long were you in that position?

10 MR. ROBINSON: Object to form.

11 BY THE WITNESS:

12 A. About a year and a half as well.

13 Q. When did you first start working for
14 Delta?

15 A. In 1991 -- sorry. 1999.

16 Q. What was your first role at Delta?

17 A. I was a reservation specialist.

18 Q. What does that mean?

19 A. I took calls for reservations for Delta
20 Air Lines.

21 Q. Where were you based out of when you did
22 that?

23 MR. ROBINSON: Object to form.

24 MS. HILLS: Sorry. Go ahead.

25

1 BY THE WITNESS:

2 A. Out of Augusta, Georgia.

3 Q. So you start in 1999. How long were you
4 a reservation specialist?

5 A. It was roughly four years.

6 Q. About 2003?

7 A. Correct.

8 Q. What was your next role?

9 A. I was an analyst in the research planning
10 department for reservations.

11 Q. What does that job entail?

12 MR. ROBINSON: Object to form.

13 BY THE WITNESS:

14 A. It entails building shift bids and
15 vacation bids for reservation specialists across the
16 enterprise.

17 Q. When you were a reservation specialist --
18 or I'm sorry. When you were a you say a schedule
19 analyst?

20 A. Yes, an analyst in --

21 MR. ROBINSON: Object to form.

22 You can answer.

23 BY THE WITNESS:

24 A. An analyst in resource planning.

25 Q. In resource planning. Okay.

1 And so were there other people with
2 your same title at that time?

3 MR. ROBINSON: Object to form.

4 BY THE WITNESS:

5 A. Yes.

6 Q. At Delta?

7 A. Yes.

8 Q. About how many were there at your
9 location?

10 MR. ROBINSON: Object to form.

11 BY THE WITNESS:

12 A. I'm not sure of your question. Can you
13 be more specific?

14 Q. Were there analysts for the -- for the
15 reservations department, were there other analysts
16 other than you for the reservations department?

17 MR. ROBINSON: Object to form.

18 BY THE WITNESS:

19 A. Yes.

20 Q. And how long were you in that position?

21 A. I was there for about two or three years
22 before I got promoted.

23 Q. What was your promotion title?

24 A. Manager.

25 Q. Manager of what was it?

1 A. Resource planning.

2 Q. And that was still specifically for the
3 reservations department?

4 MR. ROBINSON: Object to form.

5 BY THE WITNESS:

6 A. Yes.

7 Q. And so the reservations department or
8 were you the manager for all locations or only your
9 geographic location?

10 MR. ROBINSON: Object to form.

11 BY THE WITNESS:

12 A. For all domestic locations.

13 Q. Okay. So there were no other managers of
14 resource development for the reservations department
15 at other locations, it would only be you, correct?

16 MR. ROBINSON: Object to form.

17 BY THE WITNESS:

18 A. Correct. It was manager of resource
19 planning.

20 Q. Resource planning. Sorry. What was your
21 next position after that?

22 A. Project leader for res technology.

23 Q. About what year did you become the
24 project leader for res technology?

25 A. I don't remember specifically what year

1 it was.

2 Q. That's okay.

3 Was that position within human
4 resources at Delta?

5 MR. ROBINSON: Object to form.

6 BY THE WITNESS:

7 A. No.

8 Q. What was the -- what department was it in
9 if not human resources?

10 A. It was in reservations. It was
11 reservations technology.

12 Q. What did you do in that role?

13 MR. ROBINSON: Object to form.

14 BY THE WITNESS:

15 A. I was essentially a systems administrator
16 for one of their systems.

17 Q. Which system?

18 A. For MPS and EWFM.

19 Q. What is MPS?

20 A. MPS, the manpower planning system. It is
21 the time and attendance system for reservations.

22 Q. So reservations as a department, does
23 that cover multiple geographic locations, the
24 employees?

25 MR. ROBINSON: Object to form.

1 BY MS. HILLS:

2 Q. Or the employees who work in
3 reservations, are they in multiple offices?

4 MR. ROBINSON: Same objection, form.

5 BY THE WITNESS:

6 A. Yes, they are.

7 Q. Outside of Georgia?

8 A. Yes, there are some outside of Georgia.

9 Q. Are the majority of the people working in
10 reservations based in Georgia?

11 MR. ROBINSON: Object to form.

12 BY THE WITNESS:

13 A. I don't know the exact percentages at
14 that point, but at that time, there were more in
15 Georgia.

16 Q. Has that changed?

17 MR. ROBINSON: Object to form.

18 BY THE WITNESS:

19 A. I can't answer that. I don't -- I don't
20 know.

21 Q. At that time were the leadership roles in
22 that department mostly in Georgia?

23 MR. ROBINSON: Object to form.

24 BY THE WITNESS:

25 A. They were actually pretty well

1 distributed.

2 Q. So you mentioned MPS and another system.
3 What was the other system?

4 A. EWFM.

5 Q. Do you know what that stands for?

6 A. Yes.

7 Q. What does it stand for?

8 A. Electronic workforce management system.

9 Q. And what is that?

10 A. It is a call center technology for
11 planning forecasting and scheduling type items.

12 Q. Forecasting of what?

13 MR. ROBINSON: Object to form.

14 BY THE WITNESS:

15 A. Of call volume.

16 Q. Call volume?

17 A. Yes.

18 Q. Okay. And so this was a system used by
19 the reservations department?

20 MR. ROBINSON: Object to form.

21 BY THE WITNESS:

22 A. It is one of the systems used by the
23 reservations department.

24 Q. And does the reservations department
25 still use MPS?

1 A. I'm sorry. Can you restate your
2 question?

3 Q. Does the reservations department still
4 use MPS?

5 A. Yes.

6 Q. Okay. So what was your next role there?
7 I guess how long were you in that position?

8 MR. ROBINSON: Object to form.

9 BY THE WITNESS:

10 A. For approximately two years in that
11 position.

12 Q. And what did you do next?

13 A. Came back as the manager of resource
14 planning.

15 Q. So why did you go back to resource
16 planning?

17 A. It was just a better opportunity at the
18 time.

19 Q. Where were you located when you were in
20 that position?

21 A. In Atlanta.

22 Q. What's -- what's the difference between a
23 manager and a project leader?

24 MR. ROBINSON: Object to form.

25

1 BY THE WITNESS:

2 A. It is actually completely different job
3 responsibilities, as well as title and grade.

4 Q. So were you the manager for resource
5 planning for all locations in the United States?

6 A. Yes, I was the resource planning manager
7 that covered the United States, yes.

8 Q. And who did you report to when you were
9 in that position?

10 A. Can you be more specific?

11 Q. Who was your direct boss in that
12 position?

13 A. Robin Stone.

14 Q. And what's their title?

15 A. General manager for resource planning.

16 Q. Who reported to you when you were in that
17 position, manager of resource planning?

18 MR. ROBINSON: Object to form.

19 BY THE WITNESS:

20 A. Because I was the manager of resource
21 planning twice, which time?

22 Q. I think this is around 2015 to 2016.

23 A. And I mean we had several different sets
24 of people. I couldn't give you a comprehensive list
25 of names.

1 Q. About how many people reported directly
2 to you when you were the manager of resource
3 planning?

4 MR. ROBINSON: Object to form.

5 BY THE WITNESS:

6 A. There were three that reported -- that
7 would have reported directly to me at any point in
8 time.

9 Q. Were they also in Atlanta?

10 A. Yes.

11 Q. And what did you do next after that
12 position?

13 A. Became the manager of time and
14 attendance.

15 Q. Do you remember about what year that was
16 that you made that switch?

17 A. Not the year, just several years ago.

18 Q. And how long were you the manager of time
19 and attendance?

20 A. For about three years.

21 Q. What is time and attendance? Is that a
22 division or a department or what do you call that?

23 MR. ROBINSON: Object to form.

24 BY THE WITNESS:

25 A. It is a department.

1 Q. Does it have smaller divisions within it?

2 MR. ROBINSON: Object to form.

3 BY THE WITNESS:

4 A. No.

5 Q. Okay. Is time and attendance within
6 human resources at Delta?

7 A. Yes, it is.

8 Q. And is it related to payroll?

9 MR. ROBINSON: Object to form.

10 BY THE WITNESS:

11 A. It provides hours that is turned over to
12 the payroll team.

13 Q. Is payroll considered a separate
14 department?

15 MR. ROBINSON: Object to form.

16 BY THE WITNESS:

17 A. Yes.

18 Q. Does it have any smaller divisions within
19 it, the payroll department?

20 MR. ROBINSON: Object to form.

21 BY THE WITNESS:

22 A. I can't fully answer that, not being a
23 part of that team.

24 Q. But the time and attendance department
25 provides information to the payroll department,

1 correct?

2 A. Correct.

3 Q. Do you work with the individuals who were
4 in the payroll department regularly?

5 MR. ROBINSON: Object to form.

6 BY THE WITNESS:

7 A. Yeah, we communicated on occasion.

8 Q. Who is the manager of the payroll
9 department?

10 MR. ROBINSON: Object to form.

11 BY THE WITNESS:

12 A. The manager of payroll, I'm not sure who
13 their actual manager is.

14 Q. Do you know who is the general manager
15 is?

16 MR. ROBINSON: Object to form.

17 BY THE WITNESS:

18 A. Yes.

19 Q. Who is that?

20 A. Naomi Reed.

21 Q. And she's the general manager of the
22 payroll department just to be clear, correct?

23 A. Yes.

24 Q. Do you know how long she's been in that
25 position?

1 MR. ROBINSON: Object to form.

2 BY THE WITNESS:

3 A. No, I have no idea how long.

4 Q. Has she been there more than a year?

5 A. I believe she's been there more than a
6 year.

7 Q. And so manager of time and attendance,
8 who did you report to?

9 MR. ROBINSON: Object to form.

10 BY THE WITNESS:

11 A. To John Early.

12 Q. What is his title?

13 A. Can I -- I'm sorry. Could you be more
14 specific?

15 Q. Yeah. During the time that you were the
16 manager of time and attendance, you reported to John
17 Early. What was his title at that time?

18 A. General manager of I want to say it was
19 time and productivity.

20 Q. Is that different than time and
21 attendance?

22 MR. ROBINSON: Object to form.

23 BY THE WITNESS:

24 A. Yes.

25 Q. Is it a separate department?

1 A. No.

2 Q. So is time and attendance a department
3 within time and productivity?

4 MR. ROBINSON: Object to form.

5 BY THE WITNESS:

6 A. No. I think his job entailed some things
7 that are -- that was more than time and attendance.

8 Q. But when he was -- when John Early was a
9 general manager of time and productivity, was his
10 position within the time and attendance department?

11 MR. ROBINSON: Object to form.

12 BY THE WITNESS:

13 A. Yes, he was over the time and attendance
14 team, yes.

15 Q. Was he the general manager over any other
16 team?

17 MR. ROBINSON: Object to form.

18 BY THE WITNESS:

19 A. Yes.

20 Q. What was that?

21 A. The disability management team.

22 Q. The disability management team is a
23 separate department?

24 MR. ROBINSON: Object to form.

25

1 BY THE WITNESS:

2 A. Yes.

3 Q. And who reported to you when you were the
4 manager of time and attendance?

5 MR. ROBINSON: Object to form.

6 BY THE WITNESS:

7 A. I have actually had several different
8 people report to me over time.

9 Q. About how many people report to you --
10 reported to you at a given time when you were the
11 manager of time and attendance?

12 MR. ROBINSON: Object to form.

13 BY THE WITNESS:

14 A. Is there any specific time period?

15 Q. Just was your team larger than ten
16 people?

17 MR. ROBINSON: Object to form.

18 BY THE WITNESS:

19 A. Yes.

20 Q. Was it more than 20 people?

21 MR. ROBINSON: Same objection.

22 BY THE WITNESS:

23 A. Yes. In most years it was more than 20
24 people.

25 Q. There would be more than 20 people

1 reporting to you in that position?

2 A. Yes.

3 Q. Yes?

4 A. Yes.

5 Q. Were they based in Georgia?

6 MR. ROBINSON: Object to form.

7 BY THE WITNESS:

8 A. Yes.

9 Q. And I might have already asked you but
10 you were -- you were in Atlanta as well for this
11 position, right?

12 MR. ROBINSON: Object to form.

13 BY THE WITNESS:

14 A. Yes.

15 Q. And all of the time and attendance team
16 was in Atlanta?

17 MR. ROBINSON: Object to form.

18 BY THE WITNESS:

19 A. Yes.

20 Q. So when you were the manager of time and
21 attendance, did your work cover other locations or
22 did -- let me rephrase.

23 Did -- the time and attendance team
24 in Atlanta, did their work apply to other locations?

25 MR. ROBINSON: Object to form.

1 BY THE WITNESS:

2 A. I'm sorry. I don't think I understand
3 your question.

4 Q. Was there a separate time and attendance
5 department for locations outside of Atlanta?

6 A. No.

7 Q. It was just the one?

8 MR. ROBINSON: Objection.

9 BY THE WITNESS:

10 A. Yes.

11 Q. And are you still in that position the
12 manager of time and attendance?

13 A. No.

14 Q. What is your current role?

15 A. I'm the general manager of time and
16 attendance.

17 Q. Were there any other positions you held
18 between those two, manager and general manager?

19 A. No.

20 Q. When did you become the general manager?

21 A. It's been approximately five years.

22 Q. Who do you report to now?

23 A. John Early.

24 Q. What is his current title?

25 A. Actually, I know he is a director. I'm

1 not sure what they have added to the end of it
2 honestly.

3 Q. That's okay. So are there others with
4 your title at separate Delta locations, general
5 manager of time and attendance?

6 MR. ROBINSON: Object to form.

7 BY THE WITNESS:

8 A. No.

9 Q. I'm going to go back to when you were the
10 manager. Was there not a general manager like the
11 position you were in now?

12 MR. ROBINSON: Object to form.

13 BY THE WITNESS:

14 A. Can you rephrase -- can you elaborate a
15 little bit? I don't --

16 Q. Yeah. I'm sorry. It's early.

17 When you were the manager of time and
18 attendance, you reported to John Early, right?

19 A. Yes.

20 Q. But there was no one with your -- when
21 were you the manager, there was no one with your
22 current title?

23 MR. ROBINSON: Object to form.

24 BY THE WITNESS:

25 A. So my current -- no. John -- I reported

1 to him. His title was different.

2 Q. Okay. So let's see, the last -- you said
3 the majority of your career at Delta has been in the
4 human resources department or side?

5 MR. ROBINSON: Object to form.

6 BY THE WITNESS:

7 A. No.

8 Q. Time and attendance is within human
9 resources, right?

10 A. Yes.

11 Q. Resource planning is not within human
12 resources?

13 A. Correct.

14 Q. Correct. Okay.

15 Outside of time and attendance, what
16 other departments are within human resources that
17 you know of?

18 MR. ROBINSON: Object to form.

19 BY THE WITNESS:

20 A. There are a lot of departments within
21 human resources.

22 Q. Are there any that you work closely with?

23 A. No. I'm primarily working with, if
24 anyone, payroll.

25 Q. And the payroll department, are they

1 largely based in Atlanta as well?

2 A. That one I can't tell you, not being part
3 of that team.

4 Q. Are there any written policies at Delta
5 about time and attendance that you're aware of?

6 MR. ROBINSON: Object to form.

7 BY THE WITNESS:

8 A. Can you elaborate more? What kind of
9 policies?

10 Q. Yeah. Let me -- have you written any
11 official policies for Delta about time and
12 attendance?

13 MR. ROBINSON: Object to form.

14 BY THE WITNESS:

15 A. I have done revisions of policies, but
16 not wholly written policies. And that's with other
17 groups of people, not solo.

18 Q. What policies would those be?

19 A. For example, the vacation policy. We
20 have -- we had to make amendments as vacation rules
21 change.

22 Q. When was that roughly that you made
23 amendments to the vacation policy?

24 A. About two years ago.

25 Q. Okay. Any other policies that you have

1 helped amend?

2 A. I don't remember if there are others.
3 The vacation one just stood out.

4 Q. Where do employees go to access the
5 policies that apply to them at Delta?

6 MR. ROBINSON: Object to form.

7 BY THE WITNESS:

8 A. Delta's intranet has a policy section.

9 Q. Are there other sections on the intranet
10 or is it just store policies?

11 MR. ROBINSON: Object to form.

12 BY THE WITNESS:

13 A. I'm sorry. I don't think I understand
14 your question.

15 Q. We'll skip that one.

16 What is the DeltaNet, the Delta
17 intranet?

18 MR. ROBINSON: Object to form.

19 BY THE WITNESS:

20 A. It is just the internal Delta website.

21 Q. Who maintains the website at Delta?

22 A. I have no idea.

23 Q. Have you ever uploaded documents on to
24 the DeltaNet?

25 MR. ROBINSON: Object to form.

1 BY THE WITNESS:

2 A. I have never personally uploaded a
3 document to DeltaNet.

4 Q. Do you know if it is -- the intranet, is
5 that hosted on a local server?

6 MR. ROBINSON: Object to form.

7 BY THE WITNESS:

8 A. I'm sorry. I have no idea.

9 Q. What does it mean to be a regularly
10 scheduled employee at Delta?

11 MR. ROBINSON: Object to form.

12 BY THE WITNESS:

13 A. I'm not sure I understand your question
14 there.

15 Q. What is the difference between a regular
16 schedule and an irregular schedule?

17 A. And a regular schedule is -- usually has
18 fixed off days. It is typically either eight hours
19 or ten hours and for daily duration. An irregular
20 schedule could have an irregular pattern for off
21 dates. It could still be eight or ten hours. It
22 may have a differing duration.

23 Q. So for a regular schedule, is -- does
24 that mean that the schedule is the same
25 week-to-week?

1 A. I'm sorry. Could you repeat that?

2 Q. Sure. A regular schedule is -- when you
3 said that's consistent, I think you said is that
4 week-to-week?

5 A. Yes.

6 Q. Okay. What does that mean?

7 MR. ROBINSON: Object to form.

8 BY THE WITNESS:

9 A. Well, that would mean if my off days are
10 Saturday and Sunday, they are Saturday, Sunday every
11 week.

12 Q. That's for regular schedule?

13 MR. ROBINSON: Object to form, asked and
14 answered.

15 BY MS. HILLS:

16 Q. Sorry. It sounds kind of similar over
17 Zoom irregular and regular. We're talking about
18 regular without the "IR," right --

19 A. Correct.

20 Q. Okay. How many hours a week are in a
21 regular schedule?

22 MR. ROBINSON: Object to form.

23 BY THE WITNESS:

24 A. I'm sorry. Can you state that again?

25 Q. Yes. How many hours are on the schedule

1 per week for a regularly scheduled employee?

2 MR. ROBINSON: Object to form.

3 BY THE WITNESS:

4 A. And that actually depends.

5 Q. On what?

6 A. Well, when they're building a regular
7 schedule, it could be -- as long as the days are
8 fixed it could be less than 40 hours. It would
9 typically max out at 40.

10 Q. Would a full-time regularly scheduled
11 employee work 40 hours per week?

12 A. Typically, an employee who works a
13 regular schedule works 40 hours.

14 Q. When would that not be the case?

15 A. If that employee has done something to
16 change their schedule.

17 Q. Okay. Who creates the schedules at
18 Delta?

19 MR. ROBINSON: Object to form.

20 BY THE WITNESS:

21 A. It depends upon the division.

22 Q. At a single division, is everyone in a
23 division either regular or irregularly scheduled or
24 can there be some combination?

25 MR. ROBINSON: Object to form. Vague and

1 compound.

2 BY MS. HILLS:

3 Q. Can there be irregular and regularly
4 scheduled employees in the same division?

5 A. Yes.

6 Q. What is an irregular schedule?

7 MR. ROBINSON: Object to form.

8 BY THE WITNESS:

9 A. An irregular schedule, typically does not
10 have fixed off days or it doesn't -- or it isn't
11 consistent week-to-week.

12 Q. An irregularly scheduled employee can be
13 a full-time employee, right?

14 A. Yes.

15 Q. Even if they don't work 40 hours each
16 week?

17 A. I'm sorry. Repeat that for me.

18 Q. An irregularly scheduled employee might
19 work less than 40 hours in a week but could still be
20 full time, right?

21 MR. ROBINSON: Object to form.

22 BY THE WITNESS:

23 A. That is correct. It depends on the
24 rotation that they're on.

25 Q. What do you mean by rotation?

1 A. As we talked about, an irregular schedule
2 that they might not work the same -- they might not
3 have the same off days each week. So a rotation
4 would mean that you would actually rotate from
5 week-to-week what your schedule is.

6 Q. What do you mean rotate week-to-week?

7 A. Well, when -- for an example, an employee
8 might work four days their first week and the next
9 week they might work three days and the next week
10 they might work four days again. So it would -- the
11 schedule would rotate through the weeks for as long
12 as they were on that schedule.

13 Q. So how -- what is the -- what would the
14 work period for an employee that had that schedule?

15 MR. ROBINSON: Object to form.

16 BY THE WITNESS:

17 A. I'm not sure what you mean by work
18 period.

19 Q. So if every other week an employee works
20 the same hours, how long is their work period?

21 MR. ROBINSON: Object to form, vague.

22 BY THE WITNESS:

23 A. I'm not sure I understand your question.

24 Q. So are employees on an irregular schedule
25 that are full-time, do they work about the same

1 amount of hours in the year as a full-time employee
2 on a regular schedule?

3 MR. ROBINSON: Object to form.

4 BY THE WITNESS:

5 A. It depends on the rotation.

6 Q. Is a full-time employee ever scheduled
7 less than 2,080 hours in a year?

8 MR. ROBINSON: Object to form.

9 BY THE WITNESS:

10 A. Again, that also depends on where they
11 begin and their off days.

12 Q. How does an irregularly scheduled
13 employee know if they're considered full-time?

14 MR. ROBINSON: Object to form.

15 BY THE WITNESS:

16 A. Well, it depends on how they're hired.
17 Most of the time you know when you're hired whether
18 you're hired as full-time or not.

19 Q. When would that not be the case?

20 A. I can't answer that. I'm not part of the
21 hiring process.

22 Q. Can you see whether a specific employee
23 is full-time or part time?

24 MR. ROBINSON: Object to form.

25

1 BY THE WITNESS:

2 A. Within the HR system, yes.

3 Q. What is the HR system?

4 A. It is the system that we use to track HR
5 data.

6 Q. What is that called?

7 A. SAP.

8 Q. You can see within SAP whether an
9 employee is full-time, or part time?

10 A. Yes.

11 Q. That's for any employees at Delta?

12 A. Only for the employees I have the ability
13 to see.

14 Q. So for irregularly scheduled employees,
15 is their schedule set at the beginning of the year?

16 MR. ROBINSON: Object to form.

17 BY THE WITNESS:

18 A. It depends on the department or division.

19 Q. How do the divisions do that differently?

20 MR. ROBINSON: Object to form.

21 BY THE WITNESS:

22 A. Each one is different. They determine
23 when they start their schedules.

24 Q. Can it be -- so they can create a yearly
25 schedule at different times depending on the

1 division?

2 MR. ROBINSON: Object to form.

3 BY THE WITNESS:

4 A. That's correct.

5 Q. Can you think of an example?

6 MR. ROBINSON: Object to form, vague.

7 BY THE WITNESS:

8 A. Can you -- I think -- can you restate
9 that question for me? I don't think I understand.

10 Q. Can you give an example of a specific
11 department when they set their schedules for
12 irregularly scheduled employees?

13 A. I cannot because each group bids at their
14 own time. I don't have a specific example.

15 Q. You are not sure when any one group
16 creates their yearly schedule?

17 A. I'm not -- I can tell you for my team.

18 Q. Okay.

19 A. The best I can tell you, right, my team
20 isn't -- are regularly scheduled, they have fixed
21 off days, and they started well over two years ago
22 and have been on the exact same schedule since.
23 They're all Saturday, Sunday.

24 Q. Have you ever worked in a department
25 that's on an irregular schedule?

1 MR. ROBINSON: Object to form.

2 BY THE WITNESS:

3 A. No, I have not personally worked in a
4 department that had an irregular schedule.

5 Q. Are you eligible for overtime?

6 A. No.

7 Q. Have you ever worked in a department
8 where you're eligible for overtime?

9 MR. ROBINSON: Object to form.

10 BY THE WITNESS:

11 A. Yes.

12 Q. Which department?

13 A. When I was in reservations as a
14 reservations specialist, I was eligible for
15 overtime.

16 Q. And at that time, you were on a regular
17 schedule, right?

18 A. Correct.

19 Q. How was your -- how was overtime
20 determined when you were in the reservations
21 department?

22 MR. ROBINSON: Object to form.

23 BY THE WITNESS:

24 A. It was based off of my work week and
25 whether I would have had to have worked my schedule

1 during my work week. If I worked over my daily
2 hours, I could potentially earn overtime or over my
3 weekly, I could. It depended upon whether I did
4 anything to adjust my schedule in any way.

5 Q. So it was based on the work week --
6 overtime was based on the work week?

7 A. Overtime was based on my specific work
8 week.

9 Q. And what period of time is overtime based
10 on for an irregular schedule?

11 MR. ROBINSON: Object to form.

12 BY THE WITNESS:

13 A. It's still based on their work week.

14 Q. What is a work week for an irregularly
15 scheduled employee?

16 MR. ROBINSON: Object to form.

17 BY THE WITNESS:

18 A. It varies. It depends on what the actual
19 schedule is.

20 Q. How about for the example that you gave,
21 alternating weeks of I think you said four days and
22 three days?

23 MR. ROBINSON: Object to form, vague,
24 mischaracterizes testimony.

25

1 BY THE WITNESS:

2 A. It all depends upon what days of the week
3 it is. So there's no way without having specifics
4 to give you that information.

5 Q. Do irregularly scheduled employees know
6 what their schedule is for an entire year?

7 MR. ROBINSON: Object to form, asked and
8 answered.

9 BY THE WITNESS:

10 A. It may not be for an entire year. It
11 depends on the group.

12 Q. Are there groups that create schedules
13 for less than a year?

14 A. Yes.

15 Q. What are those groups?

16 A. Actually it depends on the department.
17 Different groups bid for different periods of time.

18 Q. What are ground employees at Delta?

19 MR. ROBINSON: Object to form.

20 BY THE WITNESS:

21 A. Ground employees typically is a -- the
22 group of employees that does not include flight
23 attendants and pilots. They are employees who
24 typically work on the ground, if that makes sense.

25 Q. You said flight attendants and pilots

1 would not be ground employees. Are there any other
2 groups of Delta employees that are not considered
3 ground employees?

4 MR. ROBINSON: Object to form.

5 BY THE WITNESS:

6 A. Those are the only ones that I'm aware
7 of.

8 Q. How many ground employees are there in
9 the US?

10 MR. ROBINSON: Object to form.

11 BY THE WITNESS:

12 A. I don't know exactly how many there are.

13 Q. Would you say it's more than 30,000?

14 A. I would be guessing if I said that, I
15 mean, but I would think there might be more than
16 that. I just don't know.

17 Q. Do you know of the ground employees at
18 Delta how many are on an irregular schedule?

19 MR. ROBINSON: Object to form.

20 BY THE WITNESS:

21 A. No, I don't.

22 Q. Do you know if it's more common for Delta
23 employees to be on an irregular schedule than a
24 regular schedule?

25 A. It is -- it is uncommon for them to be on

1 an irregular schedule.

2 Q. Is that true for ground employees?

3 MR. ROBINSON: Object to form, asked and
4 answered.

5 BY THE WITNESS:

6 A. Yes. Ground employees are typically on a
7 regular schedule in most groups.

8 MS. HILLS: We're at 10:04. Right about
9 an hour. If everyone is okay with taking a break
10 right now or we can keep going.

11 MR. ROBINSON: It is up to you,
12 counselor. How long would you like?

13 MS. HILLS: Ten minutes.

14 MR. ROBINSON: Does that work for you,
15 Ms. Gray?

16 THE WITNESS: That works for me.

17 MR. ROBINSON: Sounds good.

18 THE VIDEOGRAPHER: Going off record at
19 11:04 a.m.

20 (Break in the proceedings taken
21 at 11:04 a.m.)

22 THE VIDEOGRAPHER: We're back on record
23 at 11:19 a.m.

24 You may proceed.

25

1 BY MS. HILLS:

2 Q. Ms. Gray, we were talking about a few
3 different terms that you see in your work. I'm just
4 trying to understand what some of these mean, big
5 picture. You have been at Delta for about 25 years,
6 right?

7 A. That's correct.

8 Q. And so is overtime -- weekly overtime,
9 generally is that calculated based on a work period?

10 MR. ROBINSON: Object to form.

11 BY THE WITNESS:

12 A. It's based off of the employee's specific
13 work week.

14 Q. Have you seen the term "work period"
15 before in terms of overtime?

16 MR. ROBINSON: Object to form.

17 BY THE WITNESS:

18 A. We don't usually reference it that way so
19 I don't think I have seen that at all.

20 Q. You never heard "work period" used to
21 describe how overtime works at Delta?

22 A. We used -- we use the term "work week."

23 Q. Okay. I'm going to pull up an exhibit.
24 Let me see if I can -- so this was previously marked
25 as Exhibit 12 in the prior deposition, but it will

1 be marked as Exhibit 1. Let me know if you're able
2 to see that.

3 (Deposition Exhibit 1 was marked
4 for identification.)

5 BY THE WITNESS:

6 A. Not yet. Please give me one moment.

7 Yes, we have it.

8 Q. Ms. Gray, do you recognize this document?

9 A. Can I have a moment to look through it?

10 Q. Of course.

11 I'll -- actually just to be clear, on
12 that first page, you see it says Delta_LG_312, that
13 has some metadata about the document. So the first
14 page of the document we're looking at has
15 Delta_LG_000312 on the bottom, right?

16 A. Correct. I see it. This is the hours of
17 work overtime and shift differential policy.

18 Q. Do you recognize this document?

19 A. Yes.

20 Q. Is this a policy at Delta?

21 A. Yes. This is one of the policies at
22 Delta.

23 Q. Is this one of the policies that Delta
24 follows about hours and time?

25 MR. ROBINSON: Object to form.

1 BY THE WITNESS:

2 A. Can you restate that question?

3 Q. Sure. Does Delta follow this policy?

4 A. Yes.

5 Q. And so if you could just scroll down, it
6 will be PDF page 12. I can also give you the number
7 that will be on the bottom -- actually, let's see.

8 MR. ROBINSON: For the record purposes,
9 can you identify the Bates label at the bottom?

10 MS. HILLS: Yes. On the beginning of the
11 this document or where we at now?

12 MR. ROBINSON: Where you are directing
13 her.

14 MS. HILLS: Yes. Just one moment. I'll
15 give that to you. It is PDF page 13 but the bottom
16 right will show the Bates number 322.

17 THE WITNESS: Okay.

18 BY MS. HILLS:

19 Q. Do you see the header in capital letters
20 that says "OVERTIME DEFINED-IRREGULAR SCHEDULE"?

21 A. Yes.

22 Q. Okay. And do you see where it says right
23 under that "irregular schedules must be approved and
24 must equal to 2,080 scheduled working hours in a
25 year for full-time employees"?

1 A. Yes.

2 Q. Is that still the policy at Delta?

3 A. Yes.

4 Q. We can go down to the following page and
5 it says "WEEKLY OVERTIME" at the top. That is
6 Bates 323.

7 A. Correct.

8 Q. You also see it says "Full-Time
9 Employees"?

10 A. Yes.

11 Q. I'll go ahead and read. "For full-time
12 employees working an irregular schedule, weekly
13 overtime is the time required to be worked on
14 scheduled days off, provide the scheduled days have
15 been worked during the preceding work period
16 (exclusive of daily overtime)."

17 Did I read that correct?

18 A. Yes.

19 Q. So in this context, what is a work
20 period?

21 MR. ROBINSON: Object to form.

22 BY THE WITNESS:

23 A. Yeah, in this, it is -- it is their work
24 week.

25 Q. How do you know that?

1 A. Well, I mean, as they're talking about
2 the time required to be worked on scheduled off
3 days, like, it would have to be worked within their
4 work week, like all of our policies -- at the
5 beginning of this policy it talks about what a work
6 week is.

7 Q. Could you go up to page, it would be PDF
8 13, again, and Bates 322.

9 A. Okay.

10 Q. And do you see the header that is in
11 capital letters that says "OVERTIME DEFINED-REGULAR
12 SCHEDULE"?

13 A. Correct, I see it.

14 Q. And then a bit lower you see it the
15 header "Weekly Overtime"?

16 MR. ROBINSON: Object to form.

17 BY THE WITNESS:

18 A. Yes, I see the header.

19 Q. Do you understand this to be weekly
20 overtime for regular scheduled employees?

21 A. Yes.

22 Q. This section generally?

23 A. Yes, and it is specific to people who
24 have four days on and three days off.

25 Q. In that bullet point, could you just read

1 the first sentence in that bullet point under
2 "Weekly Overtime"?

3 MR. ROBINSON: Object to form.

4 What bullet point are you referring
5 to?

6 MS. HILLS: Under the header "Weekly
7 Overtime" on Bates 322.

8 BY THE WITNESS:

9 A. "For these employees, weekly overtime is
10 paid at one and a half times the regular hourly rate
11 for the first eight hours of weekly overtime for all
12 hours worked over 40 in the work week exclusive of
13 daily overtime."

14 Q. So in this section, it uses the term
15 "work week." I'm just trying to understand how that
16 is different from a work period that is used in the
17 section for irregular employees.

18 Can you -- can you explain that for
19 me?

20 A. So I did not write this policy. So I'm
21 going to give you what my thoughts are on it.
22 Right? And the difference between a regular and an
23 irregular schedule is the fact that a regular
24 schedule has a defined -- the days off are the same
25 every week, where an irregular isn't. So it may

1 have been used that work period, again, not one that
2 we typically use. When we're talking about this, we
3 actually refer the employee back to their standard
4 work week, and if you are an irregular, it may not
5 be a standard work week, it is based upon what your
6 schedule says your work week is.

7 Q. Where does it say -- where does a
8 schedule say what a work week is? Where could I
9 find that?

10 MR. ROBINSON: Object to form.

11 BY THE WITNESS:

12 A. I don't think I understand your question.

13 Q. Where does an irregularly scheduled
14 employee see what work week means for them?

15 MR. ROBINSON: Object to form, vague.

16 BY THE WITNESS:

17 A. I still don't think I understand. I'm
18 sorry.

19 Q. How does an irregularly scheduled
20 employee know what their work week is?

21 A. They are aware based off the schedule
22 that they're on.

23 Q. Where does that start? Where is the
24 schedule?

25 MR. ROBINSON: Object to form, vague.

1 BY THE WITNESS:

2 A. I'm sorry. I still don't understand your
3 question.

4 Q. Where does a -- where does a work week
5 begin for an irregularly scheduled employee?

6 MR. ROBINSON: Same objection.

7 BY THE WITNESS:

8 A. So the work week beginning on the first
9 working day.

10 Q. What does that mean?

11 A. First day that they are scheduled to work
12 is their first working day.

13 Q. Does Delta keep track of an employee's --
14 irregularly scheduled employees, does Delta keep
15 track of what their work week is?

16 MR. ROBINSON: Object to form.

17 BY THE WITNESS:

18 A. Can you be more specific?

19 Q. No.

20 MR. ROBINSON: Same objection. Can you
21 restate the question, counselor?

22 BY MS. HILLS:

23 Q. Does Delta keep track of what a work week
24 is for its irregularly scheduled employees?

25 MR. ROBINSON: Object to form, vague,

1 specifically as to what a "work week" is.

2 MS. HILLS: I'm using it in the way that
3 Ms. Gray used it before.

4 MR. ROBINSON: I think that
5 mischaracterizes her testimony.

6 Could you restate it? I'm not trying
7 to be difficult counselor, just so she understands
8 your question clearly.

9 BY MS. HILLS:

10 Q. Does Delta keep track of the definition
11 of a work week for its irregularly scheduled
12 employees?

13 A. So the definition of a work week as
14 defined in the policy? Are you asking do we have
15 that somewhere in the policy?

16 Q. Well, before --

17 A. I'm really -- I'm not sure what the
18 question is. I'm sorry.

19 Q. It's hard to state clearly.

20 So you have said a work week is
21 different depending on the employee's schedule,
22 right?

23 A. Correct.

24 Q. Different irregularly scheduled employees
25 might have different work weeks from one another,

1 right?

2 A. That is correct.

3 Q. Does Delta keep track of what is
4 considered a work week for all of its irregularly
5 scheduled employees?

6 MR. ROBINSON: Same objection.

7 You can answer, Ms. Gray, to the best
8 of your ability.

9 BY THE WITNESS:

10 A. So the schedule itself, the first working
11 day is the beginning of that work week, and so if
12 we're aware of the schedule, if we have been given
13 the schedule, we would know that that's what starts
14 the week. Is that -- I hope I'm answering that.

15 Q. And what are you -- how do you define the
16 first working day?

17 A. So usually a schedule consists of working
18 days and days off. So if you come off of a working
19 day, your first day becomes you're first working
20 day.

21 Q. And can your first working day in a week
22 change? In other words, can your work week -- let
23 me rephrase.

24 Can the first working day change --
25 can an employee change what is considered their

1 first working day of the week?

2 MR. ROBINSON: Object to form, vague.

3 BY THE WITNESS:

4 A. So I'm sorry. I'm going to repeat back
5 what I thought you asked me is if an employee can
6 change what their first working day is?

7 Q. I'll give you an example.

8 If an employee swaps off their shift
9 on their first working day and they don't work that
10 shift, is that day still their first working day?

11 MR. ROBINSON: Object to form.

12 You can answer.

13 BY THE WITNESS:

14 A. There is a -- it's their first
15 scheduled -- yeah, I mean it would have been a
16 scheduled working day, yeah. So the first day they
17 were scheduled to work.

18 Q. So the definition of the work week would
19 not change because of a swap off?

20 MR. ROBINSON: Object to form.

21 BY THE WITNESS:

22 A. Right. So that is still their -- that
23 would have been the first day of their week, they
24 opted to swap it off.

25 Q. Does it change their work week in terms

1 of how overtime is calculated?

2 MR. ROBINSON: Object to form.

3 BY THE WITNESS:

4 A. It impacts their work week. Right? So
5 if they were scheduled to work eight hours that day
6 and they swapped off, that eight hours is not
7 counted towards the daily threshold because they
8 didn't work it nor is it counted towards the weekly
9 threshold.

10 Q. If an employee's work week can change,
11 how do they know what is considered their work week
12 for any given week if it's subject to change?

13 MR. ROBINSON: Object to form, compound.

14 BY THE WITNESS:

15 A. I'm not sure. Like the week still -- in
16 the scenario you gave, that was still the first day
17 of their work week. Nothing there changed.

18 Q. Is that shown in an employee's schedule
19 that that day would be the first day of their work
20 week?

21 A. I don't think I understand your question.

22 Q. In other words, if an employee does not
23 actually come to work themselves from their first
24 day of the work week.

25 A. If they don't come to work?

1 MR. ROBINSON: Object to form. Is there
2 a question, counselor?

3 MS. HILLS: Yes.

4 BY MS. HILLS:

5 Q. Can the first day of the work week -- can
6 an employee's first day of the work week be a day
7 that they are not working?

8 A. As you had in the example you gave me, if
9 employee operates to swap that time off, then yes.

10 Q. So the employee's work week is subject to
11 change?

12 MR. ROBINSON: Object to form,
13 mischaracterizes testimony.

14 BY THE WITNESS:

15 A. Each time we have talked about that is
16 the first work day. If the employee chooses to swap
17 it off, it's still their first -- their scheduled
18 work day at that point. They just -- they opted to
19 swap it off. They could have as well potentially
20 took the day off using time off. Like, it doesn't
21 change that that is still the start of their work
22 week.

23 Q. So is the phrase "work period" just not
24 applicable for overtime?

25 MR. ROBINSON: Object to form.

1 BY THE WITNESS:

2 A. It is, but it is synonymous at this point
3 with work week.

4 Q. When did that change?

5 A. It hasn't.

6 Q. Work period has always meant work week?

7 MR. ROBINSON: Object to form.

8 BY THE WITNESS:

9 A. Again, I can't always speak to always,
10 but as far as I'm aware of, those two go
11 hand-in-hand.

12 Q. Do you know how many employees at Delta
13 are eligible to earn overtime?

14 MR. ROBINSON: Object to form.

15 BY THE WITNESS:

16 A. No, I don't know how many, like an actual
17 number.

18 Q. Do you know how many of the ground
19 employees at Delta are eligible to earn overtime?

20 A. No.

21 Q. Is it more than half?

22 A. I can't answer that. I don't get to see
23 all of the entire population.

24 Q. What are published pay scales?

25 MR. ROBINSON: Object to form, vague.

1 BY THE WITNESS:

2 A. Can you restate that?

3 Q. Can you -- let's see. Are you able to
4 see the published pay scales for employees at Delta?

5 A. Yes. Or some of them. I don't know that
6 I see all of them.

7 Q. Do you know how many ground employees are
8 on published pay scales?

9 A. I do not.

10 Q. Would you say it's over half of ground
11 employees?

12 MR. ROBINSON: Object to form.

13 BY THE WITNESS:

14 A. I cannot say that. Again, I don't see
15 the entire population.

16 Q. What population do you see?

17 A. Again, I don't know who I don't see so it
18 is hard to answer that question.

19 Q. What groups in the ground employees do
20 you -- are you familiar with?

21 MR. ROBINSON: Object to form.

22 BY THE WITNESS:

23 A. Can you be more specific?

24 Q. So could you repeat your current position
25 at Delta?

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1 A. General manager of time and attendance.

2 Q. Okay. As general manager of time and
3 attendance, do you work with groups that are
4 considered ground employees?

5 A. Yes.

6 Q. Do you work specifically with any
7 department's ground employees?

8 MR. ROBINSON: Object to form.

9 BY THE WITNESS:

10 A. I work with several departments.

11 Q. Which departments are those?

12 A. They're probably too many to actually
13 name. We work with several groups of departments.

14 Q. So are the departments organized into
15 groups, larger groups?

16 MR. ROBINSON: Object to form.

17 BY MS. HILLS:

18 Q. I'm trying to understand how -- I know a
19 lot of businesses categorize people in groups
20 differently. So it's hard to keep track of, but
21 ground employees, how many departments I guess are
22 in -- are in that universe of ground employees?

23 MR. ROBINSON: Same objections.

24 BY THE WITNESS:

25 A. I can't tell you for sure there. That

1 isn't part of my responsibility to know how many. I
2 just don't know.

3 Q. You mentioned you worked with several
4 groups of departments. Can you explain what you
5 mean by that?

6 A. So usually we -- groups of departments
7 can usually be divisions. Right? So, for instance,
8 reservations is a division. There are several
9 departments within that division. There are
10 different divisions in different departments.

11 Q. Okay. What are some other divisions?

12 MR. ROBINSON: Object to form, vague.
13 BY THE WITNESS:

14 A. Are you just looking for the name of
15 another division?

16 Q. Yeah. I'm just trying to better
17 understand how these groups are organized when we
18 say, like, department or group or, you know, work
19 group, or anything like that. I'm just trying to
20 better understand who fits into what. So I guess,
21 how many divisions are there of ground employees, if
22 you can answer that?

23 A. I can't answer that. I'm sorry.

24 Q. So crew tracking as an example, is that a
25 department or a division?

1 A. It is a department.

2 Q. Is it within a division?

3 A. It is within a division.

4 Q. What would that be?

5 MR. ROBINSON: Object to form.

6 BY THE WITNESS:

7 A. Without looking it up, I believe that is
8 the Flight Ops division.

9 Q. We spoke a little bit about it before,
10 but are you familiar with swaps?

11 A. I have some familiarity with swaps.

12 Q. So really basic level, if I agree to work
13 your shift, you agree to work my shift, is that a
14 swap?

15 MR. ROBINSON: Object to form.

16 BY THE WITNESS:

17 A. Yes.

18 Q. Do you deal a lot with swaps in your
19 current position?

20 A. No, I do not.

21 Q. How about in your previous position?

22 A. No.

23 Q. Where there are policy questions about
24 swaps, are you the one to answer those questions?

25 MR. ROBINSON: Object to form.

1 BY THE WITNESS:

2 A. Not often.

3 Q. Who is the best person to ask for policy
4 questions about swaps generally?

5 A. There isn't a single person because
6 swaps -- and the swap policies around that are often
7 divisionally or departmentally based.

8 Q. What do you mean by that?

9 A. It means there might be a department or a
10 division that doesn't allow swaps or they might have
11 specific types of swaps that they allow that others
12 do not.

13 Q. What are the different types of swaps?

14 A. There are a couple of different kinds.
15 An example is the one that where you gave as a
16 example where I agreed to work for you and you work
17 for me to a different day, which would have been a
18 swap a payback.

19 Q. With a payback you said?

20 A. Hm-hmm.

21 Q. What does that mean?

22 A. That you agree to -- I swap for you on
23 this day and you pay me back on this other day for
24 swapping. So we work each other's shift on the days
25 that we have committed in the swap.

1 Q. Are all Delta employees allowed to engage
2 in swaps?

3 MR. ROBINSON: Object to form, asked and
4 answered.

5 Answer to the best of your ability,
6 Ms. Gray.

7 BY THE WITNESS:

8 A. Yeah, I can't speak to all employees but
9 as mentioned, some divisions allow them to swap and
10 some do not. So I can't.

11 Q. In your experience is it usually
12 consistent within a department whether or not the
13 employees are allowed to swap?

14 A. I'm actually -- again, without knowing
15 which departments it is, I can't necessarily say
16 that. I don't know.

17 Q. So is it completely random?

18 MR. ROBINSON: Object to form.

19 BY THE WITNESS:

20 A. Again, I can't answer if it's random or
21 not. Again, not being a part of those particular
22 departments or divisions, I don't know what all of
23 their rules are.

24 Q. Does Delta have a record of what the
25 different rules are regarding swaps in different

1 departments?

2 MR. ROBINSON: Object to form.

3 BY THE WITNESS:

4 A. No. That's within each division. The
5 types of swaps allowed or if it's allowed are all
6 handled locally.

7 Q. So you would have no way of finding out
8 what a given department's rules are around swaps?

9 MR. ROBINSON: Object to form.

10 BY THE WITNESS:

11 A. Not without reaching out to someone in
12 that department.

13 Q. Who would you reach out to answer that
14 question?

15 MR. ROBINSON: Object to form, vague,
16 lacks specificity.

17 MS. HILLS: I'll rephrase.

18 BY MS. HILLS:

19 Q. Who would you reach out to find out of
20 the swap rules that apply in a department?

21 MR. ROBINSON: Object to form, same
22 objection.

23 BY THE WITNESS:

24 A. So if I needed to find out anything, I
25 might reach out to the HR business partner for that

1 particular department or division.

2 Q. What's an HR business partner?

3 A. It is the HR representative for them.

4 Q. For?

5 A. For the department.

6 Q. So every department has its own HR
7 business representative?

8 A. Each one is assigned, and it might not be
9 an individual one per department, it might be per
10 the division. I don't know how they determine who
11 is who, but there is an HR business partner that is
12 at minimally attached to a division that we could
13 reach out and ask some questions to.

14 Q. So do the separate departments have
15 complete control over whether or not employees are
16 allowed to swap?

17 MR. ROBINSON: Object to form.

18 BY THE WITNESS:

19 A. So within each -- yeah, within the
20 department or the division, because it could go at
21 either level, they determine their rules for
22 swapping.

23 Q. Is there any consistency across the
24 departments?

25 A. I cannot answer that.

1 MS. HILLS: I'm going to pull up a
2 document. I just introduced Exhibit 2. It is
3 Bates 9319. You may need to refresh to see that.

4 (Deposition Exhibit 2 was marked
5 for identification.)

6 BY MS. HILLS:

7 Q. So, again, you will see this page that
8 has the metadata for the document. You can go ahead
9 and scroll down to the page 9319, the third page on
10 the PDF.

11 Do you recognize this document?

12 A. Correct. Can I take some time to read
13 it?

14 Q. Yes. Let me know when you're ready.

15 A. I'm sorry. I'm ready.

16 Q. No, you're fine.

17 Do you recognize this document?

18 A. I recognize the email, yes.

19 Q. Is this an email from a Cathy Ringot to
20 you?

21 A. Yes.

22 Q. And it was sent on March 31 of 2017?

23 A. Correct.

24 Q. Who is Cathy Ringot? I don't know if I'm
25 saying that correctly.

1 A. You are saying it correctly.

2 She was a leader in the Salt Lake
3 City customer engagement center for reservations.

4 Q. What's the customer engagement center?

5 A. It's the same as a call center, if that
6 makes sense.

7 Q. And this sentence -- actually I'll read
8 the first couple of sentences.

9 It says, "As you know after recently
10 learning that SAP is using different logic than MPS
11 had in terms of daily and weekly OT thresholds, we
12 locally became concerned that this is a change in
13 pay experience for our employees."

14 Did I read that correctly?

15 A. Yes.

16 Q. And so was Ms. Ringot's department -- had
17 they recently transitioned to using SAP?

18 MR. ROBINSON: Object to form.

19 BY THE WITNESS:

20 A. This appears to be around that same time
21 when we changed over, yeah.

22 Q. And what departments were changed over to
23 SAP?

24 MR. ROBINSON: Object to form.

25 You can answer, Ms. Gray.

1 BY THE WITNESS:

2 A. There were several.

3 Q. Can you tell me any that you remember?

4 A. Reservations was one of those.

5 Q. Any others?

6 A. Yeah. As I mentioned, there were many
7 that got moved over at that time. I wouldn't be
8 able to give you a comprehensive list.

9 Q. And so the next sentence, it says, "You
10 explained to me that the SAP logic is the intended
11 logic but agreed that our employees may have
12 experienced something different prior to SAP."

13 Do you know what she's talking about
14 here?

15 A. As far as remembering the exact
16 conversation, no. Again, noted this was 2017. But
17 as I read through the document, some of this dealt
18 with when a -- the result of a shift bid.

19 Q. The result of a you said shift bid?

20 A. Correct.

21 Q. What is a shift bid?

22 A. So reservation employees bid on their
23 shift, they bid three times a year to change their
24 shift.

25 Q. So does that mean that three times a

1 year, the employees in reservations are bidding on a
2 schedule or could you explain further what that
3 means?

4 MR. ROBINSON: Object to form.

5 BY THE WITNESS:

6 A. Yes. So the part of the shift bid is the
7 shift in schedules, again, two words that can be
8 used synonymously. So the employees, they post the
9 list of available schedules that meet what they need
10 for the demand for the calls, and the employees in
11 seniority order are able to bid on them and
12 determine what their shift will be for that next
13 period. So usually about four months.

14 Q. So reservations makes their schedules in
15 periods of about four months?

16 A. Correct.

17 Q. Did you and Ms. Ringot have a discussion
18 that there were needed updates to documents in the
19 DeltaNet?

20 MR. ROBINSON: Object to form.

21 BY THE WITNESS:

22 A. Again, I don't remember that
23 conversation. So I can't really answer that.

24 Q. Around 2017, were there any updates made
25 to the documents in DeltaNet related to overtime?

1 MR. ROBINSON: Object to form.

2 BY THE WITNESS:

3 A. I cannot say for sure. I don't know.

4 Q. Still in the first paragraph, Ms. Ringot
5 writes, "We talked about the benefit of some
6 divisional communication to call this out as well as
7 needed updates to the DLNet documents around how
8 daily OT thresholds are reached."

9 Did I read that correctly?

10 A. Yes.

11 Q. Did you believe that divisional
12 communication was needed to explain how overtime
13 thresholds were reached?

14 MR. ROBINSON: Object to form, vague.

15 BY THE WITNESS:

16 A. Can you restate the question for me
17 please?

18 Q. Sure.

19 Did you think there was any confusion
20 among the departments about how overtime policies
21 operated?

22 MR. ROBINSON: Same objection, vague,
23 lacks specificity, counselor.

24 BY MS. HILLS:

25 Q. I'm just asking about your thoughts at

1 this time.

2 MR. ROBINSON: Same objection, vague,
3 lacks specificity with regard to departments.

4 BY THE WITNESS:

5 A. So my thoughts -- and again, I'm looking
6 at an email in 2017 so again, I don't have a lot of
7 memory of what went on at that time to figure out
8 why -- why we noted what we noted, and if divisional
9 communication was needed.

10 There was a piece in the logic that
11 we wanted to make sure that they understood because,
12 as we mentioned, we read the sentence but it -- we
13 skipped the piece where it says "MPS is not as smart
14 as SAP" so we were able to have more granular detail
15 in SAP than we were in MPS.

16 Q. And so there's a change in pay logic that
17 coincided with transitioning from MPS to SAP?

18 MR. ROBINSON: Object to form,
19 mischaracterizes testimony.

20 You may answer, Ms. Gray.

21 BY THE WITNESS:

22 A. It's not a change in the pay logic
23 itself. It was the fact that it -- SAP could go
24 down to a much granular detail than MPS was allowed
25 to.

1 Q. Do you think the transition from MPS to
2 SAP resulted in a change in pay experience for
3 employees?

4 MR. ROBINSON: Object to form, vague.

5 BY THE WITNESS:

6 A. That's hard to answer. It isn't -- I
7 don't know that it was necessarily -- sorry. I
8 don't remember what your words you used there, but I
9 don't think that was the issue. I do believe that
10 it was -- it was a little bit different for them,
11 but nothing that was wildly different.

12 Q. Did the transition in MPS to SAP cause a
13 reduction in overtime pay to employees?

14 A. It did change depending on the
15 circumstance, there was -- in this same issue, there
16 were people who actually received overtime and then
17 other people who did not. So it probably was net
18 neutral.

19 Q. What do you mean net neutral?

20 A. That there wasn't more overtime being
21 paid to employees in general.

22 Q. But a specific employee could be paid
23 less overtime due to the transition from MPS to SAP?

24 A. It wasn't due to the transition. It was
25 due to how the rules were handled between the two

1 systems.

2 Q. When a department transitioned from MPS
3 to SAP, did they adopt the rules under the SAP
4 system?

5 MR. ROBINSON: Object to form. Object to
6 also to the characterization.

7 BY THE WITNESS:

8 A. I'm not sure I understand your question.

9 Q. When did the payrolls change for
10 departments that switched from MPS to SAP?

11 A. The payrolls were the payrolls. So they
12 didn't change.

13 Q. Are you familiar with Project Horizon?

14 A. Yes, I have some familiarity.

15 Q. What is Project Horizon?

16 MR. ROBINSON: Object to form.

17 BY THE WITNESS:

18 A. Project Horizon was the project that they
19 used to bring on SAP as an HR system.

20 Q. When did Project Horizon start?

21 A. I don't have the details of that. I was
22 not part of that.

23 Q. You weren't part of Project Horizon at
24 all?

25 A. I wasn't part of Project Horizon at the

1 start. So I don't know exactly when it started.

2 Q. When did you become involved in Project
3 Horizon?

4 A. When I moved into HR.

5 Q. When was that?

6 A. At the same time I became the manager of
7 time and attendance. I don't remember what date.

8 Q. Do you understand what Ms. Ringot means
9 by the term "pay logic"?

10 MR. ROBINSON: Object to form.
11 Counselor, it calls for speculation on behalf of
12 Ms. Gray.

13 BY THE WITNESS:

14 A. I don't know for sure what she intended
15 for pay logic.

16 Q. What do you believe "pay logic" means in
17 terms of SAP and MPS systems? What is pay logic?

18 MR. ROBINSON: Object to form, vague.

19 Would you restate the question,
20 Counsel.

21 BY MS. HILLS:

22 Q. What do you understand "pay logic" to
23 mean?

24 A. So, again, not being Ms. Ringot, right,
25 I'm assuming her "logic" is synonymous with the word

1 "rule," like she was thinking this is the same thing
2 as the pay rules. But again that's a guess.

3 Q. You've never heard the phrase "pay logic"
4 in relation to SAP or MPS outside of this message
5 from Ms. Ringot?

6 MR. ROBINSON: Object to form with regard
7 to -- well, both the form and then also just the
8 vagueness of the question.

9 BY THE WITNESS:

10 A. So, again, pay logic is an -- I mean, I
11 have heard -- there are folks in the field that will
12 use that as opposed to using pay rules. I don't --
13 again, I'm not sure always their intention. Right?

14 Q. Do you see on this page towards the
15 bottom of 9319.

16 A. Sure.

17 Q. Where it says, "Overtime Defined" in
18 bold?

19 A. Yes, I see it.

20 Q. Above that is a link. Does that appear
21 to be a link to the DeltaNet?

22 A. Yes.

23 Q. And does it look like that's the hours of
24 work for overtime and shift differential document
25 that we saw before in Exhibit 1?

1 MR. ROBINSON: Object to form.

2 BY MS. HILLS:

3 Q. Does this look like a link to a policy
4 document called Hours of Work-Overtime and Shift
5 Differential"?

6 A. Yes, it does.

7 Q. Were any changes made to the hours of
8 work policy document as a result of the transition
9 from MPS to SAP?

10 MR. ROBINSON: Object to form.

11 BY THE WITNESS:

12 A. Not that I'm aware of.

13 Q. Did that document apply to -- let's see
14 what Ms. Ringot's group is -- reservations? Did the
15 hours -- did the hours of work, overtime, and shift
16 differential document apply to the reservations
17 department at this time?

18 MR. ROBINSON: Object to form.

19 BY THE WITNESS:

20 A. Yes, it did at that time and currently.

21 MS. HILLS: I think we can take another
22 short break, if that's okay with everyone.

23 MR. ROBINSON: Counselor, that's fine. I
24 figured that probably you and most of us here at
25 some point will need to get a little bit of

1 nourishment.

2 MS. HILLS: It's 12:15 for you all, isn't
3 it?

4 MR. ROBINSON: And so it's entirely up to
5 you, I was going to suggest maybe in 15 minutes or
6 so, but if you would like to break now, that's up to
7 you.

8 MS. HILLS: Yeah, we can go ahead and
9 take the lunch break right now. Like is a half hour
10 okay for everyone or do you need more time?

11 MR. ROBINSON: We're going to need a
12 little more time than that. That's why I was
13 suggesting --

14 THE VIDEOGRAPHER: Let's go off the
15 record so we can discuss this. Going off the record
16 at 12:15 p.m. Thank you.

17 (Break in the proceedings taken
18 at 12:15 p.m.)

19 THE VIDEOGRAPHER: Good afternoon. We
20 are back on record at 1:38 p.m.

21 You may proceed.

22 BY MS. HILLS:

23 Q. Hello, Ms. Gray. How was your lunch?

24 A. It was good. Thank you.

25 Q. Do you understand that you are still

1 under oath to testify truthfully?

2 A. Yes.

3 Q. Do you understand that's equivalent as if
4 you were testifying in court?

5 A. Yes.

6 Q. And do you understand that I'm entitled
7 to your best recollection?

8 MR. ROBINSON: Object to form.

9 BY THE WITNESS:

10 A. I don't know that I understand what that
11 means.

12 Q. So I might ask you questions that you are
13 truthfully unable to answer, and that's fine. We
14 have come across some of those, but if you are able
15 to answer my questions, then I'm entitled to your
16 best recollection. Does that make sense?

17 A. Yes.

18 Q. Did you speak with your attorney over the
19 break?

20 A. Yes.

21 Q. Do you wish to change any part of your
22 testimony from before the break?

23 A. No.

24 Q. Did you discuss the substance of your
25 testimony with your attorney over the break?

1 MR. ROBINSON: Object to form.

2 I'm just going to advise my client
3 that to the extent this line of questioning, you're
4 free to answer, Ms. Gray, goes into anything that's
5 privileged, I'd like to just lodge that objection
6 just ahead of time to be preemptive.

7 You can answer.

8 BY THE WITNESS:

9 A. I was going to ask you to restate the
10 question.

11 Q. Did you discuss the substance of your
12 testimony with your attorney over the break?

13 A. Not really the substance, just whether,
14 you know, whether I was doing okay, whether I'm
15 feeling okay. Nothing more.

16 Q. For calculating over time for ground
17 employees at Delta, does swaps count towards the
18 overtime threshold?

19 A. Repeat that for me one more time, please.

20 Q. When calculating overtime for ground
21 employees at Delta, does swaps count toward the
22 overtime threshold?

23 MR. ROBINSON: Object to form.

24 BY THE WITNESS:

25 A. No, swaps do not count towards the

1 overtime threshold.

2 Q. During your time at Delta, have there
3 been any misunderstandings about that rule?

4 MR. ROBINSON: Object to form, vague.

5 BY THE WITNESS:

6 A. Can you -- can you help me understand
7 what you're asking me there?

8 Q. Yeah. We'll back up. Is it -- so you
9 said "yes" for calculating overtime swaps do not
10 count towards the overtime threshold. Is that --
11 that's true for all overtime eligible ground
12 employees, correct?

13 MR. ROBINSON: Object to form.

14 You can answer.

15 BY THE WITNESS:

16 A. Yes, to overtime eligible employees, that
17 is -- that is true. They have to meet their
18 threshold.

19 Q. During your time working at Delta, have
20 you seen anyone misunderstand that rule?

21 MR. ROBINSON: Object to form.

22 BY THE WITNESS:

23 A. I have had questions on that rule, yes.

24 Q. What kind of questions?

25 A. Most of the time it is understanding what

1 their threshold is.

2 Q. What is the threshold?

3 MR. ROBINSON: Object to form.

4 THE WITNESS: Go ahead and reask your
5 question. I cut you off accidentally.

6 (Court reporter technical
7 difficulties.)

8 THE VIDEOGRAPHER: We are going off
9 record at 1:42 p.m.

10 (Off the record.)

11 THE VIDEOGRAPHER: We're back on record
12 at 1:44 p.m.

13 You may proceed.

14 BY MS. HILLS:

15 Q. We just got disconnected there for a
16 moment, but I will repeat my question.

17 What is the overtime threshold?

18 MR. ROBINSON: Object to form.

19 BY THE WITNESS:

20 A. The overtime threshold is the point at
21 which the employee is able to earn overtime based
22 upon their specific work week and scheduled number
23 of hours.

24 Q. And were there any misunderstandings
25 about what that meant?

1 MR. ROBINSON: Object to form.

2 BY MS. HILLS:

3 Q. Did you receive any indication that
4 people at Delta were interpreting the overtime rule
5 incorrectly?

6 MR. ROBINSON: Object to form.

7 BY THE WITNESS:

8 A. So is it that someone was
9 misunderstanding the overtime rule, is that what
10 your question is?

11 Q. Did you have any indication that people
12 were interpreting the overtime rule differently?

13 MR. ROBINSON: Object to form.

14 BY THE WITNESS:

15 A. No, because I really can't speak to their
16 interpretation.

17 Q. Right. I don't want you to speak to
18 anyone else's interpretation.

19 Did you receive any indication that
20 there may have been a difference in interpretations
21 about the overtime threshold?

22 MR. ROBINSON: Object to form, asked and
23 answered.

24 MS. HILLS: I don't think she has
25 answered that question.

1 MR. ROBINSON: She did. She said she
2 couldn't speak to someone else's interpretation.
3 You asked her again --

4 MS. HILLS: That's not the question.

5 MR. ROBINSON: Okay. Restate the
6 question then, counselor.

7 MS. HILLS: Could you repeat back the
8 question?

9 (Record read as requested.)

10 MR. ROBINSON: Same objection to the
11 extent that you were asking for Ms. Gray to
12 speculate on the interpretation made by other
13 people.

14 You may answer to the best of your
15 ability, Ms. Gray.

16 BY THE WITNESS:

17 A. I mean, we've been asked usually in
18 relation to a paycheck about whether they have met
19 their threshold or not.

20 Q. And I'll go back a little bit and
21 that's -- again, my question is not other people's
22 interpretations. I don't want to hear about that.
23 I know you can't speak to other people's thoughts.

24 My question is: Did you receive
25 indication that there may have been inconsistency in

1 Delta in how people were interpreting the overtime
2 threshold rule?

3 MR. ROBINSON: Object to form.

4 BY THE WITNESS:

5 A. I'm sorry. I don't understand that
6 question.

7 Q. Did anyone ask you questions about how
8 the overtime rule was interpreted?

9 MR. ROBINSON: Object to form.

10 BY THE WITNESS:

11 A. I think I'm struggling with the word
12 interpreted, not how it's interpreted.

13 Q. Let's go back.

14 So the swaps do not count towards
15 overtime threshold, correct?

16 A. Correct.

17 Q. Has anyone at Delta ever interpreted that
18 rule incorrectly?

19 MR. ROBINSON: Object to form, vague.

20 BY THE WITNESS:

21 A. Again, I'm being asked to interpret on
22 behalf of all Delta employees, I can't answer that.

23 Q. In your experience, have you seen the
24 rule misrepresented?

25 A. In my experience, have I seen it

1 misinterpreted where it is related to the overtime
2 threshold? I have seen where people thought that
3 maybe they should have been but did not take in all
4 the factors.

5 Q. Can you tell me more about that?

6 MR. ROBINSON: Object to form. Vague as
7 to "that."

8 MS. HILLS: The preceding sentence.

9 THE WITNESS: Well, they don't --

10 MR. ROBINSON: Just a second. Objection,
11 again. Counsel, not trying to be difficult, what's
12 the preceding sentence?

13 What did you mean by that? I just
14 want to be --

15 MS. HILLS: Ms. Gray's answer -- my
16 follow-up question was about her previous answer
17 that she's seen -- I mean, we can have the court
18 reporter read back again the previous -- could we
19 please have Ms. Gray's last answer repeated?

20 (Record read as requested.)

21 MR. ROBINSON: Same objection, again,
22 vague.

23 MS. HILLS: You can answer, if you're
24 able, Ms. Gray.

25

1 BY THE WITNESS:

2 A. I'm sorry. Say that last bit one more
3 time. I'm sorry.

4 Q. You can go ahead and answer if you're
5 able.

6 A. So where the employee tends to
7 misunderstand it is that they have forgotten they
8 had possibly a swap that impacted it.

9 Q. And did you receive complaints or did you
10 learn about misinterpretations directly from
11 employees about the overtime threshold and how --
12 I'll back up.

13 When did you first start seeing
14 misunderstandings about how swaps impacted overtime
15 threshold?

16 MR. ROBINSON: Object to form.

17 You may answer, Ms. Gray.

18 BY THE WITNESS:

19 A. And so it usually comes about after they
20 look at their paycheck. So there's no overarching
21 misunderstanding about how swaps impact over time.

22 Q. There's no overarching misunderstanding
23 about how swaps impact overtime threshold?

24 MR. ROBINSON: Object to form.

25

1 BY THE WITNESS:

2 A. No, there's nothing overarching about
3 that.

4 MS. HILLS: Okay. I have introduced
5 Exhibit 3. Let me know when you're able to see it.
6 It is Bates number 12531.

7 (Deposition Exhibit 3 was marked
8 for identification.)

9 THE WITNESS: I'm able to see it.

10 BY MS. HILLS:

11 Q. We'll first start out at the page, it
12 doesn't have a Bates number, it is the metadata, the
13 second page in the PDF.

14 A. Yes.

15 Q. And do you see that your name is listed
16 as the custodian of this document?

17 A. Yes.

18 Q. It is a few pages long, but we are going
19 to scroll down to 12 -- 12533 Bates number, it is
20 also page 5 in the PDF.

21 A. Okay.

22 Q. And is this a message from a Peter
23 Schramm to Tamberly Bassett, Daniel Phillips, and
24 Rick Christy?

25 A. Yes, based off of what I see here, yes.

1 Q. And do you see it is dated April 13,
2 2017?

3 A. Yes.

4 Q. Do you know who Peter Schramm is?

5 A. No, I do not.

6 Q. Who is Tamberly Bassett?

7 A. I don't know right offhand.

8 Q. How about Daniel Phillips?

9 A. I don't know.

10 Q. Do you know Rick Christy?

11 A. I know the name. I don't remember what
12 context. I see names all day long.

13 Q. Sure. Last one for you, do you know
14 Barbara Franz in the copy line?

15 A. I do.

16 Q. Who is Barbara Franz?

17 A. Barbara Franz is over the HR -- the HR
18 business partners for ACS.

19 Q. What is ACS?

20 A. Airport customer service.

21 Q. Is she based in Atlanta?

22 MR. ROBINSON: Object to form.

23 BY THE WITNESS:

24 A. Yes.

25 Q. And so looking at this message, it

1 appears to be from Peter Schramm, addressed to the
2 individuals we just named. It says "As you know, I
3 was docked (four different days back in February)
4 for leaving early on a swap with permission. Then
5 again, when I received my paycheck (2.3 hours which
6 was equivalent to when I left early on the swaps)."

7 Now, could you read the following
8 paragraph?

9 A. Sure.

10 "According to our phone conversation
11 yesterday, you stated that once I work two swaps in
12 a week, my overtime threshold will become 50 hours.
13 Am I correct with this statement? This is a Delta
14 policy (you quoted a specific work rule), correct?"

15 Q. And I know this -- this message is not
16 fully in context for you, but based on this
17 sentence, do you agree that swaps can raise or lower
18 an employee's overtime threshold?

19 MR. ROBINSON: Object to form, calls for
20 speculation.

21 You may answer, Ms. Gray.

22 MS. HILLS: I'll restate.

23 BY MS. HILLS:

24 Q. Can swaps raise or lower the overtime
25 threshold for an employee?

1 MR. ROBINSON: Object to form, vague.

2 You may answer, Ms. Gray.

3 BY THE WITNESS:

4 A. So the way that I'm reading this is it is
5 directionally correct. So, in this situation, the
6 employee worked two swaps on top of their schedule,
7 and mathematically, knowing that 40 hours typically
8 gets you to overtime, two swaps would have -- if
9 they were five hours apiece, the employee would have
10 had to work 50 hours before they would have been
11 eligible to overtime because the two swaps did not
12 count towards their -- their original threshold,
13 which would have been the 40 hours.

14 So it was something that they used to
15 make it make sense mathematically for an employee
16 how many hours they would need to work in order to
17 reach overtime.

18 Q. I don't understand your answer. What
19 does that mean?

20 MR. ROBINSON: Object to form.

21 MS. HILLS: I'll restate.

22 BY MS. HILLS:

23 Q. So swaps can increase the amount of hours
24 that an employee must work in order to receive
25 overtime?

1 MR. ROBINSON: Object to form.

2 Is that the question, Counsel?

3 MS. HILLS: Yes.

4 BY THE WITNESS:

5 A. So using that example, yes, the employee
6 would have to work 50 hours because they'd have to
7 work the equivalent of those swap hours as well as
8 their base schedule before they would be eligible
9 for overtime.

10 Q. What is a base schedule?

11 A. Again, I don't know what this employee's
12 specific schedule is. It does not take --

13 Q. Generally.

14 A. There's no general for a base schedule.
15 It depends upon what that schedule the employee is
16 assigned on.

17 So there's not enough to give you
18 detailed information. Typically an employee would
19 have to work 50 hours or not 50 -- 40 hours of their
20 regular schedule before they got into overtime and
21 so they have picked up swaps, the swaps do not
22 count.

23 Q. So if an employee needs to work 40 hours
24 to be able to receive overtime, is the swap not part
25 of -- does the swap change their schedule?

1 MR. ROBINSON: Object to form.

2 BY THE WITNESS:

3 A. I'm not sure I understand your question.

4 Q. When an employee swaps, the hours they
5 swap are added to their original overtime threshold;
6 is that correct?

7 MR. ROBINSON: Object to form.

8 BY THE WITNESS:

9 A. The hours that they swap for, they have
10 to work above whatever their normal threshold is to
11 the same amount of that swap before they can get
12 overtime.

13 Q. If you could scroll up to page 12531,
14 about halfway down, do you see this is a message
15 from Charles Dowd?

16 A. Yes.

17 Q. Who is that?

18 A. Charles Dowd is one of the coordinators
19 on the time and attendance team.

20 Q. Is he based in Atlanta?

21 A. Yes.

22 Q. And do you see that you're copied on this
23 message as well from Charles Dowd?

24 A. Yes.

25 Q. Okay. He says, in his message, "although

1 you won't find in writing where policy states the
2 swapped hours are added to daily and weekly
3 thresholds, that is the programming logic that had
4 to be put in place so that our time and attendance
5 systems can calc OT."

6 Do you see that?

7 A. Yes.

8 Q. So is that true, that the programming
9 logic put into Delta's time and attendance systems
10 increases weekly threshold due to swaps --

11 MR. ROBINSON: Object to form.

12 MS. HILLS: -- overtime?

13 MR. ROBINSON: Object to form.

14 BY THE WITNESS:

15 A. So within the systems, it is not
16 increasing the threshold, the swap itself does not
17 count.

18 Q. So what I just read, is that incorrect?

19 A. It is directionally correct, as I stated
20 earlier. A lot of times this verbiage is used to
21 help people understand mathematically the total
22 number of hours they have to work before overtime is
23 there.

24 Q. Is the rule different than how overtime
25 operates mathematically?

1 MR. ROBINSON: Object to form.

2 BY THE WITNESS:

3 A. So we utilize the verbiage that a swap
4 does not count towards your weekly threshold.
5 Right? A lot of times our employees are not
6 thinking in that manner. Their goal is how many
7 hours do I have to work to get to overtime. So
8 they've actually simplified to help them understand
9 I've got to work my regular schedule and replace any
10 hours that I might have swapped away, plus any hours
11 that I swapped to work, anything that was swapped,
12 away or to work, don't count toward that threshold.

13 So regardless that employee still had
14 to work more hours before that overtime would kick
15 in because they participated in a swap voluntarily.

16 Q. Has that -- had that policy ever changed
17 since this time, 2017? Has that been consistent
18 since that time?

19 MR. ROBINSON: Object to form, lacks
20 specificity.

21 BY MS. HILLS:

22 Q. Let me back up. Let's go back to the
23 bottom page, that 12533. Just to have that up as a
24 reference.

25 It would be correct to say that for

1 this individual, swaps could have increased his
2 overtime threshold mathematically speaking?

3 A. Yes. He would have had to work his
4 regular scheduled hours plus any hours that he
5 swapped to work.

6 Q. And so the document we were just looking
7 at, is that -- that was a time that someone
8 misunderstood the overtime threshold rule?

9 MR. ROBINSON: Object to form.

10 BY THE WITNESS:

11 A. I think as I have stated before,
12 employees tend to ask these questions after they see
13 a paycheck.

14 Q. Were there other instances of similar
15 questions?

16 MR. ROBINSON: Object to form.

17 BY MS. HILLS:

18 Q. Did you see other similar questions about
19 how swaps interacted with the overtime threshold?

20 A. I have seen questions about swaps and
21 overtime amongst all of the tickets that we do for
22 time and attendance.

23 Q. Is it a common issue?

24 MR. ROBINSON: Object to form.

25

1 BY THE WITNESS:

2 A. I mean, again, how do we quantify
3 "common."

4 Q. Do you receive the time and attendance
5 tickets in your role?

6 A. I do not personally receive time and
7 attendance tickets, no.

8 Q. Are time and attendance tickets ever
9 escalated to you?

10 A. Yes.

11 Q. So in that capacity, is the -- are
12 questions about how swaps interact with overtime a
13 common question in the time and attendance tickets
14 you have seen?

15 MR. ROBINSON: Object to form, compound
16 question.

17 BY THE WITNESS:

18 A. For the ones that get escalated to me,
19 they are rarely about swaps and overtime.

20 Q. How many would you say you have seen?

21 MR. ROBINSON: Object to form.

22 BY THE WITNESS:

23 A. There's no way to quantify.

24 Q. More than a hundred?

25 A. I'd say it's not more than a hundred.

1 They're not rare, but I don't have a number or, I'm
2 sorry, they're not frequent, they're rare, but I
3 don't have a number for that.

4 Q. More than 50 would you say?

5 MR. ROBINSON: Object to form.

6 BY THE WITNESS:

7 A. So over what period of time?

8 Q. Since 2017.

9 A. Since 2017, there could -- I don't think
10 that I have even had 50 come across that are related
11 to swaps and overtime.

12 Q. But you are not sure?

13 MR. ROBINSON: Object to form, asked and
14 answered.

15 BY THE WITNESS:

16 A. Again, since 2017, there's no way for me
17 to be able to give you anything specific.

18 Q. So in your role, when you see a recurring
19 question about a policy, did you ever escalate
20 recurring issues to your superior, to John Early?

21 MR. ROBINSON: Object to form, compound,
22 vague.

23 BY THE WITNESS:

24 A. I'm sorry. Can you -- can you repeat
25 that for me?

1 Q. Sure. I'll restate.

2 Did you -- did you see recurring
3 complaints in the MyTime tickets that overtime was
4 being underpaid due to swaps?

5 MR. ROBINSON: Object to form.

6 BY THE WITNESS:

7 A. No.

8 Q. Did you see any complaints that overtime
9 was being underpaid due to swaps?

10 MR. ROBINSON: Object to form.

11 BY THE WITNESS:

12 A. Not complaints. Again, when we get a
13 ticket, they are asking questions to understand why.
14 It typically is correct in how it was processed and
15 paid.

16 Q. Were any exceptions ever made to the rule
17 that swaps don't count towards the overtime
18 threshold?

19 A. Not that I'm aware of. I mean, it's rare
20 that an exception would ever even be considered for
21 that.

22 Q. When would an exception be considered?

23 A. I have not seen a situation. So as far
24 as from my standpoint, I have never offered an
25 exception for that in my position as general manager

1 of time and attendance for Delta Air Lines.

2 MS. HILLS: All right. There should be
3 an Exhibit 5 I just introduced. Let me know when
4 you see it.

5 (Deposition Exhibit 5 was marked
6 for identification.)

7 THE WITNESS: I have got it.

8 BY MS. HILLS:

9 Q. That is Bates number 12554?

10 A. Correct.

11 Q. On that first page with the metadata, do
12 you see that you're listed as the custodian for this
13 document?

14 A. Hm-hmm, yes.

15 Q. I'll have you scroll down to the last
16 page.

17 A. Okay.

18 Q. Do you recognize this document?

19 A. I recognize it is an email. Again, it's
20 from 2017.

21 Q. Do you need a moment to read it?

22 A. I do.

23 Q. Let me know when you're ready.

24 A. Give me just one more moment.

25 Okay, I am ready.

1 Q. What is this document?

2 MR. ROBINSON: Object to form.

3 BY THE WITNESS:

4 A. It appears to be an email.

5 Q. And who is Rhonda Evans?

6 A. Rhonda was a member of the time and
7 attendance team several years ago.

8 Q. Was she based in Atlanta?

9 MR. ROBINSON: Object to form, vague with
10 regard to "based."

11 BY MS. HILLS:

12 Q. Is that question unclear to you,
13 Ms. Gray?

14 A. No. She lived in Atlanta, yes.

15 Q. And then what does DFW Ops refer to?

16 A. DFW is Dallas-Fort Worth. Ops is the
17 operations desk.

18 Q. And do you know who Delores is at DFW and
19 Ops?

20 A. Yes, I do.

21 Q. Who is Delores?

22 A. Delores was one of the -- one of the
23 specialists on the Ops Desk in Dallas.

24 Q. Specialists in?

25 A. It is the title.

1 Q. Was she in human resources?

2 A. No.

3 Q. Do you know which time and attendance
4 system that Ops used at this time in June of 2017?

5 MR. ROBINSON: Object to form.

6 BY THE WITNESS:

7 A. I'm sorry. Ask your question again. I'm
8 sorry.

9 Q. Sure. Do you know which time and
10 attendance system Ops used around this time, which
11 was June 2017?

12 A. Yes, they used MPS.

13 Q. Do they still use MPS?

14 A. No, they do not.

15 Q. And so is this -- I'll first ask you. Do
16 you know who Lisa Johnson is?

17 A. No, I do not.

18 Q. Do you know see that long number next to
19 the name Lisa Johnson?

20 A. I don't know where you are referencing.

21 Q. On the first line of the email?

22 A. Yes.

23 Q. Is that an employee identification
24 number?

25 A. Yes, it is.

1 Q. And do you understand the text in italics
2 to be a message from Lisa Johnson?

3 A. Based off of what I'm seeing, that would
4 be my thought.

5 Q. Do you see it is signed "Thanks, Lisa L.
6 Johnson" in the middle?

7 A. Yes.

8 Q. And then below it you see the text is not
9 in italics?

10 A. Yes.

11 Q. And at the bottom of the message do you
12 see that it is signed, "Thank you, Rhonda"?

13 A. Yes.

14 Q. So did you have a chance to read the
15 whole message -- the whole document?

16 A. Yes, I did.

17 Q. Could you explain what is going on here?

18 MR. ROBINSON: Object to form, calls for
19 speculation.

20 You may answer, Ms. Gray.

21 BY THE WITNESS:

22 A. So based off of the content of what's
23 presented in front of me, Lisa had some concerns on
24 what she saw in her paycheck, and it looks to be
25 several things that were going on during that period

1 of time, and so Rhonda was trying to clarify what
2 she saw and to explain to me what her -- I'm
3 assuming her thoughts and feelings at the time were.

4 Q. And do you see about halfway down the
5 beginning of Rhonda's message, the second sentence,
6 excuse me, the first sentence, where it says "We
7 went over each on the phone and we discussed she was
8 paid correctly. The new bid began on May 15th and
9 she had a swap off of 10.0 hours on May 14. She was
10 not paid exactly 10.0 hours of OT due to the hours
11 missed on the swap off."

12 Did I read that correctly?

13 A. Yes, you did.

14 Q. And do you remember an exception being
15 made for the employee Lisa Johnson to the swap
16 policy, the swap and overtime policy?

17 A. No, I don't remember.

18 Q. Based on this message from Rhonda Evans,
19 did the employee's overtime threshold change as a
20 result of their swap?

21 MR. ROBINSON: Object to form.

22 BY THE WITNESS:

23 A. Based on what Rhonda said she wasn't paid
24 10 hours of OT because she swapped 10 hours at the
25 start of her new bid.

1 Q. And you see the following paragraphs
2 where it says "Delores asked me to pay the OT hours
3 that paid as ST due to the shift bid." What do you
4 understand that to mean?

5 A. That she was being asked by someone to
6 pay overtime instead of straight time.

7 Q. And then the following sentence, do you
8 see that it says "I told her we could add the hours
9 to the next check."

10 A. Yes, I see that.

11 Q. So was this employee paid overtime hours
12 after a swap off?

13 MR. ROBINSON: Object to form.

14 BY THE WITNESS:

15 A. So with this -- I can't tell you that for
16 sure. This could have still just been part of a
17 conversation still that may or may not netted out
18 the way it looks at this point.

19 Q. Do you have any reason to doubt that the
20 employee was paid for the hours on the next check?

21 MR. ROBINSON: Object to form.

22 BY THE WITNESS:

23 A. I mean, again, I wouldn't know without
24 going into a system and looking it up.

25 Q. Go down a little bit where it says, "But

1 we are sending the wrong message with all of the
2 exceptions we are granting."

3 Did I read that correctly?

4 A. Yes, you did.

5 Q. Was Delta granting exceptions to the
6 overtime policy in regard to swaps?

7 MR. ROBINSON: Objection to form, asked
8 and answered.

9 BY THE WITNESS:

10 A. I don't know that we were, and actually
11 quite frankly, the cusp of this is shift bid change,
12 not swap.

13 Q. What was that?

14 A. The root of this issue was due to shift
15 bid change, not necessarily all swap, so that
16 becomes very hard to answer that question as that
17 isn't wholesale the situation here.

18 Q. But so the top sentence says "she was not
19 paid exactly 10.0 hours of OT due to the hours
20 missed on the swap off."

21 This situation was not about a swap
22 off?

23 A. Well, but you have to look at the part
24 right before that that talks about the new shift bid
25 beginning on May 15. So there was multiple things

1 here that impacted this situation. It wasn't just
2 one.

3 Q. Does the -- why would the shift bid date
4 make a difference in overtime pay here?

5 A. Because it could change what their work
6 week is.

7 Q. How is that?

8 A. Well --

9 MR. ROBINSON: Object to form.

10 You may answer, Ms. Gray.

11 BY THE WITNESS:

12 A. It may change what their off days were as
13 well as their working days.

14 Q. Could you explain that further?

15 A. An employee's working days as a result of
16 the shift bid could be different. I might not get
17 the exact same shift with the same off days.

18 Q. Exact same as what?

19 A. As what they held previously. So a shift
20 bid is a change, one shift bid I held one particular
21 schedule; on the next one I could hold something
22 different.

23 Q. The shift bid date, that changes an
24 employee's work week?

25 MR. ROBINSON: Object to form.

1 BY THE WITNESS:

2 A. It could. It depends on whether their
3 off days change or not.

4 Q. Change from what? I'm not following. If
5 their off days change from?

6 A. So as mentioned, a shift bid, you had one
7 schedule, so whatever your off days are, as a result
8 of the new shift bid change over, you might have a
9 different set of off days. It changes your work
10 week.

11 Q. So by shift -- is shift for shift bid,
12 are you -- does that mean like it's scheduled on
13 multiple days or a single day?

14 MR. ROBINSON: Object to form.

15 You may answer, Ms. Gray.

16 BY THE WITNESS:

17 A. Their shift contains their scheduled
18 start time and their off days and the duration.

19 Q. For what duration?

20 A. Their daily duration, how many hours
21 they're expected to work as part of their start and
22 end time.

23 Q. So do employees bid on a shift every day?

24 MR. ROBINSON: Object to form.

25

1 BY THE WITNESS:

2 A. No.

3 Q. So in this email, for example, that
4 mentions a May 14 shift bid. What are the employees
5 bidding for?

6 A. They were bidding on their -- essentially
7 their shift, which includes their start time, their
8 duration, their off days. That would have started
9 on, it looks like it says the shift bid began on
10 May 15th. It would have ended roughly four months
11 later. And so the employee works -- they work fixed
12 schedules there. So whatever schedule this employee
13 was on -- I guess that's the fire alarm so...

14 MR. ROBINSON: Could we go off the
15 record? It appears to be a fire alarm.

16 MS. HILLS: Yep.

17 THE VIDEOGRAPHER: Please stand by. We
18 are going off record at 2:29 p.m.

19 (Break in the proceedings taken
20 at 2:29 p.m.)

21 THE VIDEOGRAPHER: We are back on record
22 at 2:58 p.m.

23 You may proceed.

24 BY MS. HILLS:

25 Q. Thank you. Ms. Gray, we just took a

1 brief break. There was a little bit of a fire
2 alarm, but I think everyone is safe. So we'll carry
3 on.

4 I'm going to introduce a new
5 document. Just one moment.

6 (Deposition Exhibit 6 was marked
7 for identification.)

8 BY MS. HILLS:

9 Q. I'm introducing Exhibit 6. It is Bates
10 number 5776. Let me know when you have got it.

11 A. I have it.

12 Q. Do you see on the metadata page that you
13 were one of the custodians listed for this document?

14 A. Yes.

15 Q. And then on the first page that's 5776,
16 do you recognize this document?

17 A. Yes.

18 Q. What is it?

19 A. This was the meeting notices from a
20 conversation that we had with the crew tracking
21 team.

22 Q. Meeting notices, is that what you said?

23 A. Yeah, it was meeting notes.

24 Q. Okay. And so did you keep notes to
25 memorialize the meetings you had with the crew

1 tracking department?

2 A. Yes. It was meant to make sure all of us
3 were on the same page as we were working through the
4 conversion from semi-monthly to bi-weekly.

5 Q. You yourself were in the meetings when
6 the notes were taken?

7 A. Yes.

8 Q. Did you store the notes in your email?

9 A. Yes. It should have just been in my
10 email. I was taking them as we went along.

11 Q. Was this a regular practice for you to
12 take meeting notes to memorialize discussions with
13 departments?

14 MR. ROBINSON: Object to form.

15 BY THE WITNESS:

16 A. Depending upon what the purpose of the
17 meeting was, yes, it is, I take notes.

18 Q. If you go down to let's see 5777, does it
19 look like these are the notes from an August 9,
20 2021, meeting?

21 A. Yes.

22 Q. And on the next page down, 5778, do you
23 see that's a message on July 30, 2021?

24 A. Yes.

25 Q. And then, I'm sorry, we're going to down

1 one more, page 5779, do you see the message from you
2 dated July 28, 2021?

3 A. Yes.

4 Q. And is this message also your notes from
5 a meeting with crew tracking?

6 A. Yes.

7 Q. Okay. So the notes were taken in the
8 regular course of business?

9 MR. ROBINSON: Object to form.

10 BY THE WITNESS:

11 A. This was just notes of things that we
12 discussed in that meeting.

13 Q. And the meeting -- was the meeting
14 recurring?

15 A. We did have a recurring meeting as we
16 worked on -- it was a project meeting essentially.

17 Q. You typically took notes to memorialize
18 those meetings?

19 MR. ROBINSON: Object to form.

20 BY THE WITNESS:

21 A. Yes.

22 Q. I'm going to move you to page 5784.

23 A. Okay.

24 Q. Nearest to the top of page, do you see a
25 message from you on July 6, 2021, at 4:14 p.m.?

1 A. Yes.

2 Q. And who is that addressed to?

3 A. To Phil Higgins.

4 Q. And then could you read the names that
5 are in the copy line?

6 A. Dan Hampton, Min Fang Long, D Barnell,
7 Amanda Buffington.

8 Q. And in your message, you talk about or it
9 mentions a move from semi-monthly to bi-weekly.
10 What is that?

11 A. That is the pay frequency that the crew
12 tracking team was on. They were being paid
13 semi-monthly, and we were moving them to bi-weekly.

14 Q. Was that part of Project Horizon?

15 A. No.

16 Q. That was separate from Project Horizon?

17 A. Yes.

18 Q. And so does bi-weekly explain -- is that
19 a pay period -- is that a change in pay period or
20 not?

21 MR. ROBINSON: Object to form, vague.

22 BY MS. HILLS:

23 Q. Was there -- I'm sorry. Go ahead.

24 A. Go ahead. Ask your question.

25 Q. Was the shift for crew tracking from

1 semi-monthly to bi-weekly, did that change their pay
2 period?

3 A. Yes, it did.

4 Q. How so?

5 A. Semi-monthly, you get paid twice a month.
6 Bi-weekly, you get paid every two weeks.

7 Q. Did that transition change their work
8 period?

9 A. No.

10 Q. If you would go down, actually up, 5783,
11 you can just read the messages that are on that page
12 and let me know when you're done.

13 A. Okay.

14 Q. So is the transition from a semi-monthly
15 to a bi-weekly pay schedule, is that synonymous with
16 transitioning to MyTime?

17 A. No, it's not.

18 Q. How is it different?

19 A. MyTime is an application transitioning
20 between bi-weekly and semi-monthly are pay
21 frequencies.

22 Q. This was in 2021, did you help facilitate
23 transitioning the crew tracking and pilot tracking
24 departments to MyTime?

25 A. I participated in the transitioning of

1 crew tracking and pilot scheduling to MyTime.

2 Q. Pilot scheduling?

3 A. Yeah. We didn't have any oversight over
4 pilot tracking.

5 Q. We can go to page 5781. Let me know when
6 you're there.

7 A. I'm there.

8 Q. This is a message that says, "Phil and
9 Joe, a bid cycle really doesn't have much impact on
10 cutover as a pay period will. So waiting until the
11 next year for a new bid cycle might not be the best
12 way to go about it."

13 Did I read that correctly?

14 A. Yes.

15 Q. What does the cutover mean in this
16 message?

17 A. This is the transition from bi-weekly --
18 or from semi-monthly to bi-weekly. So you cutover
19 from one pay period to the other one.

20 Q. Okay. Do you see below that there's a
21 table that says task list for transition projects?

22 A. Yes.

23 Q. Did you prepare this table?

24 A. My team prepared this table.

25 Q. Who is your team?

1 A. I have several people on my team in
2 general.

3 Q. Do you know who prepared this table?

4 A. Yes.

5 Q. Who was it?

6 A. Renee Barnwell.

7 Q. Do you know anyone else?

8 A. I don't remember correctly. So again
9 this was 2017 so...

10 Q. This is 2021.

11 A. Oh, sorry. Either way.

12 Q. What is the -- I'll bring you back to the
13 page 5781.

14 A. Okay.

15 Q. What does the "pay period" mean in this
16 sentence that I just read? It says "a bid cycle
17 really doesn't have as much impact on cutover as a
18 pay period will. So waiting until the next year"
19 and then it continues on.

20 What does a pay period mean there?

21 A. A pay period is when -- like a start and
22 end date for which we're paying an employee for.

23 Q. And so for crew tracking, would they --
24 would transitioning crew tracking to MyTime, did
25 that require -- did that require cutting into a pay

1 cycle?

2 MR. ROBINSON: Object to form.

3 BY THE WITNESS:

4 A. I'm not sure I understand your question.

5 Q. I'm just trying to better understand this
6 idea of a cutover in this context. I can actually
7 skip that one.

8 I'm going to take you down to 5778.

9 A. 5778. Okay.

10 Q. I'm sorry. 5780 actually.

11 Do you see the message on -- from you
12 on July 23, 2021 at 5:07 p.m.?

13 A. Yes.

14 Q. And do you see that's a message addressed
15 to Min Fang Wong?

16 A. Yes.

17 Q. You say "this is a tough group to
18 schedule for."

19 What do you mean by that?

20 A. It meant you have several leaders on here
21 with conflicting calendars. It is very hard to get
22 a time that works for everybody that's on the list.

23 Q. That was in reference to the individuals
24 on the meeting?

25 A. Correct. As you will note, everybody in

1 the meeting was actually copied in on that meeting,
2 on that notice.

3 Q. Okay. So this was not in reference to
4 crew tracking?

5 A. No.

6 Q. Okay. Could you go to 5779?

7 A. Okay.

8 Q. And then do you see this is another
9 message from you?

10 A. Yes.

11 Q. On July 28, 2021?

12 A. Correct.

13 Q. And do you see the bullet, the round
14 bullet point, on a couple of paragraphs down that
15 says "Future/Outstanding Swaps"?

16 A. Yes.

17 Q. Then it says, "understand how this works
18 going forward (paid for what you work); it's the
19 change management and reconciliation aspect for
20 swaps owed."

21 Did I read that correctly?

22 A. You did.

23 Q. What are "swaps owed" in this context?

24 MR. ROBINSON: Object to form.

25 You may answer, Ms. Gray.

1 BY THE WITNESS:

2 A. I don't remember all of the details, but
3 I do remember at some point there were swaps that
4 had not been fulfilled yet. One person had worked
5 the time that the other person had not. So it was
6 swap time owed. It is something that's featured in
7 the future.

8 Q. And two bullet points down, it says swaps
9 that had not been paid back will need to be
10 reconciled by the transition date.

11 Did I read that correctly?

12 A. Yes.

13 Q. So do you understand that to be talking
14 about the same thing -- or I'll ask a new question.

15 What does that mean?

16 MR. ROBINSON: Object to form.

17 You may answer to the best of your
18 ability, Ms. Gray.

19 BY THE WITNESS:

20 A. I mean, it's about the same thing that --
21 the email does not indent where it would make
22 logical sense at this point. I think it is just how
23 the transmission came across, but they were bullet
24 points. So this was another bullet point around
25 swaps.

1 Q. And did swaps have to be paid back before
2 the crew tracking department transitioned to MyTime?

3 A. Yes, they did.

4 Q. Why is that?

5 A. Because they were transitioning their
6 schedule as well as their pay frequency, and once
7 their schedule changed, that swap may or may not
8 have been necessary. It might not have even been
9 valid at that point, so they needed to go ahead,
10 close out the previous period before you started
11 something new and started clean.

12 Q. What do you mean, a swap may not have
13 been valid from before?

14 A. So if an employee schedule changed, they
15 might now be off on a date that that they were
16 scheduled work, or vice versa, that it wouldn't
17 have -- it wouldn't have made sense with the new
18 schedule. The old swap does not fit because it's
19 based off of a schedule that was its predecessor.

20 Q. What are the systems that Delta uses for
21 scheduling employees?

22 MR. ROBINSON: Object to form, vague.

23 BY THE WITNESS:

24 A. It depends on what division, as to what
25 systems that they use.

1 Q. Do you know what systems are used by
2 employees -- by ground employees -- ground
3 employees, excuse me, at Delta?

4 A. It depends on which division you're in as
5 to which system you would use.

6 Q. Can you name the ones that you know?

7 A. Sure. There is APS. There's MyTime.
8 And are we talking about the time period in 2021 or
9 are we talking presently?

10 Q. Including any systems that you're aware
11 of that have been used by ground employees.

12 MR. ROBINSON: Object to form.

13 BY THE WITNESS:

14 A. So in what time period? Systems change.

15 Q. During your time at Delta.

16 A. So you are asking me for every time
17 system used at Delta during the period that I have
18 been at Delta? I can't answer that. I know what it
19 was when I was in reservations. Once I got out,
20 then there were others I learned about. I don't
21 know what everyone uses.

22 Q. How about since 2017, what scheduling
23 systems have been used?

24 MR. ROBINSON: Object to form.

25

1 BY THE WITNESS:

2 A. Again, again MPS, MyTime, Calabrio,
3 MyDeltaDay, amongst others. There are several
4 others out there. We don't always have direct
5 insight into the systems.

6 Q. Who is "we"?

7 A. Well, it starts with me or my team, we.

8 Q. The time and attendance team doesn't have
9 insight into the scheduling systems used by
10 departments?

11 A. Not into all of them because if they
12 put -- if they put their information into the system
13 that feeds us data, it's fine. They might be using
14 something that I am not aware of.

15 Q. What is the system that feeds your team
16 data?

17 MR. ROBINSON: Object to form.

18 BY THE WITNESS:

19 A. So the ones that I listed before, those
20 all feed us data.

21 Q. Through what interface?

22 A. I can't answer that. That's a technical
23 question.

24 Q. What are the systems that are used to
25 record employees' time?

1 MR. ROBINSON: Object to form.

2 BY THE WITNESS:

3 A. This would be some of the same ones that
4 we mentioned already.

5 Q. So the systems that record employee time
6 are they the same as the systems that are used for
7 employee scheduling?

8 MR. ROBINSON: Object to form.

9 BY THE WITNESS:

10 A. It also depends on that division, whether
11 they care to have separate systems or not. So,
12 again, I can't speculate on all of the systems that
13 are being used at Delta.

14 Q. Do you know if the systems used for
15 scheduling and recording time interact with each
16 other?

17 MR. ROBINSON: Object to form.

18 BY THE WITNESS:

19 A. I'm not sure I understand your question.

20 Q. Let's start with MyTime. Is MyTime
21 provided through SAP?

22 A. MyTime is a -- yes, kind of an SAP built
23 product, yes.

24 Q. But is MPS provided through SAP?

25 A. I'm sorry. Can I ask what do you mean by

1 "provided through"?

2 Q. Is MPS housed within SAP?

3 A. No.

4 Q. Does MPS data feed into the SAP time
5 system?

6 MR. ROBINSON: Object to form.

7 BY THE WITNESS:

8 A. Yes.

9 Q. How does that work?

10 MR. ROBINSON: Object to form.

11 BY THE WITNESS:

12 A. I can't answer that. That's a technical
13 question.

14 Q. You have no idea?

15 A. I can't give you any details. They're
16 our data feeds. That's all I know.

17 Q. Does MPS gather the data for whether an
18 employee swaps a shift?

19 MR. ROBINSON: Object to form.

20 BY THE WITNESS:

21 A. MPS has data from where an employee swaps
22 because they swap using the system.

23 Q. And so does MPS gather data when there is
24 a swap on specifically?

25 MR. ROBINSON: Object to form.

1 BY THE WITNESS:

2 A. Yes.

3 Q. Does MPS gather data for a swap off?

4 MR. ROBINSON: Same objection.

5 BY THE WITNESS:

6 A. Yes.

7 Q. So after it goes into MPS, swap data,
8 does that -- does that feed into an SAP time system?

9 MR. ROBINSON: Object to form?

10 BY THE WITNESS:

11 A. Yes.

12 Q. How does that work?

13 A. I cannot answer that question. It is a
14 technical question.

15 Q. What is Calabrio?

16 MR. ROBINSON: Object to form. Can you
17 restate the question, counselor? I didn't hear you
18 correctly I don't think.

19 BY MS. HILLS:

20 Q. What is Calabrio?

21 A. Calabrio is the system that reservations
22 just recently began using for time and attendance.

23 Q. It is only used by reservations?

24 A. Yes.

25 Q. When did reservations start using

1 Calabrio?

2 A. Just about two years ago.

3 Q. Does Calabrio store information about
4 whether employees swapped a shift?

5 A. I don't know for sure. I don't have a
6 lot of insight into that tool.

7 Q. I'm going to introduce an exhibit. It is
8 an Excel file. So I will first introduce the
9 metadata sheet like we've been looking at before,
10 and then I will have -- counsel, if we could make
11 sure that the Excel spreadsheet is up afterwards.

12 THE WITNESS: Okay.

13 MS. HILLS: What's uploading now is just
14 the PDF with the metadata and then the Excel will
15 follow. I just introduced the Exhibit 7 which is
16 the cover sheet for Bates 442.

17 (Deposition Exhibit 7 was marked
18 for identification.)

19 BY MS. HILLS:

20 Q. Do you have that in front of you, Ms.
21 Gray?

22 A. Yes.

23 Q. Do you see that the author listed for
24 this document is SAP WebAS?

25 A. Yes.

1 Q. That the custodian is Delta Air Lines?

2 A. Yes.

3 Q. Do you know what SAP WebAS means?

4 A. No, I don't.

5 Q. If you look at the file name, do you see
6 that there's a number 386862 Lukas Goodyear, CATSDB
7 records?

8 A. Yes.

9 Q. Do you know what CATSDB means?

10 MR. ROBINSON: Object to form.

11 BY THE WITNESS:

12 A. Yes, it's the CATS database records.

13 Q. What are what -- are the CATS database
14 records?

15 A. It is the cross attendance time sheet in
16 SAP.

17 Q. So that database is maintained in SAP?

18 A. As best I understand and that's a
19 technical question.

20 Q. When time data from MPS is sent to SAP,
21 is it -- is that data stored in SAP?

22 A. Yes.

23 Q. And then that is collected in the CATS
24 database; is that correct?

25 MR. ROBINSON: Object to form.

1 BY THE WITNESS:

2 A. Yes, it comes over and fills in their
3 time sheet.

4 Q. And do you know in -- when time data from
5 Calabrio is imported into SAP, do you know if that
6 data is collected in the CATS database?

7 MR. ROBINSON: Object to form.

8 BY THE WITNESS:

9 A. Yes, that data goes into the time sheet
10 as well.

11 Q. And how about MyDeltaDay, when time data
12 from MyDeltaDay is imported into an SAP, does that
13 get stored in the CATS database?

14 A. Yes.

15 MS. HILLS: All right. And then I will
16 introduce now the Excel file, and we will make sure
17 that everyone has it up.

18 MR. ROBINSON: Are you going to upload
19 that on Exhibit Share, counselor?

20 MS. HILLS: Yes. I have introduced
21 Exhibit 8442.

22 (Deposition Exhibit 8 was marked
23 for identification.)

24 MS. HILLS: You should have downloading
25 permission.

1 THE WITNESS: It says I do not have
2 permission to download it. I can bring it to screen
3 but it will not let me download.

4 MR. ROBINSON: Counsel, if she can bring
5 up the spreadsheet, is there a need for her to
6 download it?

7 MS. HILLS: It does appear a little bit
8 differently in this platform. Let me see if I can
9 work around it.

10 MR. ROBINSON: Counsel, are you going to
11 be directing Ms. Gray to particular columns and
12 rows?

13 MS. HILLS: Actually, yes, we will do
14 that later, but in this one, no, probably not.
15 We'll just open this one without downloading. That
16 will be okay. It's Exhibit 8, Bates 442, that's a
17 Excel file.

18 BY MS. HILLS:

19 Q. You can just open that in the window.

20 A. Yes, I have it opened.

21 Q. Do you know who maintains the CATS
22 database at Delta?

23 A. No, it's a technical question.

24 Q. Are all employees' time information
25 gathered in the CATS database?

1 MR. ROBINSON: Object to form. With
2 regard to all employees?

3 THE WITNESS: Can you be more specific?
4 BY MS. HILLS:

5 Q. Sure. So there's variation in the
6 scheduling systems used by different departments of
7 ground employees, right?

8 MR. ROBINSON: Object to form.
9 BY THE WITNESS:

10 A. Different groups use different tools,
11 correct.

12 Q. So, for employees who's time data is
13 gathered through MPS, are there -- is information
14 about their swaps maintained within the CATS
15 database?

16 A. Say that again for me.

17 Q. One second. We'll back up. MPS collects
18 data about whether employees swap shifts, correct?

19 A. Correct.

20 Q. And then MPS is imported into SAP; is
21 that correct?

22 A. Correct.

23 Q. MPS data?

24 A. Correct.

25 Q. So when that happens, do you know whether

1 I'll be able to find instances of swaps in an
2 employee schedule in the CATS database if that
3 employee used MPS?

4 MR. ROBINSON: Object to the form.

5 BY THE WITNESS:

6 A. Yes, there should be data in the system
7 if they swapped.

8 Q. And that would include swap offs,
9 correct?

10 MR. ROBINSON: Object to the form.

11 BY THE WITNESS:

12 A. Correct.

13 Q. And then if we're looking at this
14 document, Exhibit 8, there are two tabs. You can go
15 to the tab 386862 Goodyear.

16 A. Yes.

17 Q. And then just looking at this, generally,
18 have you seen this type of report for an employee
19 before?

20 A. I have seen things similar, not this
21 specific report.

22 Q. If I wanted a report that included an
23 employee's time entries, swap information, and hours
24 worked, does a report like this exist for -- does a
25 report like this already exist for all employees who

1 are tracked using MyTime?

2 MR. ROBINSON: Object to form, vague,
3 compound.

4 BY THE WITNESS:

5 A. I don't -- I don't know I understand that
6 question, so I don't know how to answer that.

7 Q. Let's go up to the top where you see all
8 of the column headers.

9 A. Okay.

10 Q. And then do you see on column L?

11 A. Yes.

12 Q. One moment. I was shifted. It is column
13 G. It says "wage type"?

14 A. Yes.

15 Q. And then below you see that there are
16 different codes that correspond for different dates?

17 A. Correct.

18 Q. And then if you go to the legend tab at
19 the bottom, if you scroll down that says wage type
20 and description?

21 A. Hm-hmm.

22 Q. If I wanted to know this information
23 about another employee, another ground employee,
24 whose time data was collected and using MPS, for
25 example, how difficult would it be to make a report

1 like this for them?

2 MR. ROBINSON: Object to form.

3 You can answer to the best of your
4 ability, Ms. Gray.

5 BY THE WITNESS:

6 A. I don't know how difficult because that
7 would require more than I would be able to do.

8 Q. Does Delta keep reports like this one in
9 the regular course of business?

10 MR. ROBINSON: Object to form,
11 specifically as it pertains to the use of regular
12 course of business.

13 BY THE WITNESS:

14 A. I don't know that there's a report out
15 there like this for every employee at Delta.

16 Q. But you understand that this -- that data
17 on an employee's overtime swaps, premium pay, and
18 the other categories shown here, that information is
19 collected in the CATS database?

20 MR. ROBINSON: Object to form.

21 BY THE WITNESS:

22 A. Yes. This data or some of this data is
23 collected in the CATS database.

24 Q. Is there any of this data that's not
25 collected in the CATS database?

1 A. I don't know that I understand your
2 question.

3 Q. Well, you said some of this data is
4 collected in the CATS database. Is there any data
5 that is not collected in the CATS database?

6 A. I'm sure there's something, but the
7 reason I used the word "some" is even looking at the
8 data here that you provided to us, the vast majority
9 of this data was when Mr. Goodyear was a manually
10 tracked employee. So data appears differently for
11 them than it does for somebody else that may be
12 coming from a different system. Your legend is
13 correct, but this is not a normal sample of data.
14 This is one specific employee with a specific
15 situation for the time periods that were pulled.

16 Q. Do you know when crew tracking was
17 transitioned from manually tracked to MyTime?

18 A. Not exact date. Based off of what we
19 looked at already, I believe they were looking at a
20 4/1 cutover for the year they did it. Without
21 looking at it, I couldn't just give you a date off
22 the top of my head.

23 Q. Stay on this legend, you see on the very
24 top, the second row, it says ADHW?

25 A. Correct.

1 Q. Have you seen that acronym before?

2 A. Yes.

3 Q. And do you understand that to mean
4 "additional hours worked"?

5 A. Yes.

6 Q. Is that the same thing as overtime?

7 MR. ROBINSON: Object to form.

8 BY THE WITNESS:

9 A. Not in every situation.

10 Q. In what situations would it be different?

11 A. If the employee has not -- if the
12 employee doesn't qualify for overtime, it doesn't
13 pay at overtime, but it is tracking all of the
14 additional hours that that employee worked outside
15 of their schedule.

16 Q. In that same table -- do you see on the
17 20th row, there is SWOF?

18 A. Correct.

19 Q. Do you understand that to mean "swap
20 off"?

21 A. Yes.

22 Q. Is this SWOF, is that the designation for
23 swap offs inside of the CATS database?

24 MR. ROBINSON: Object to form.

25 You may answer.

1 BY THE WITNESS:

2 A. Yes.

3 Q. And then how about "SWAP"?

4 MR. ROBINSON: Object to form.

5 BY MS. HILLS:

6 Q. What does that designate in the CATS
7 database?

8 A. Swap to work.

9 Q. Looking at this legend, is there any way
10 to see in the CATS database if a swap was one way?

11 MR. ROBINSON: Object to form, vague.

12 BY THE WITNESS:

13 A. Can you restate the question for me,
14 please?

15 Q. Yeah. So, earlier we talked about a swap
16 where I work your shift and you work my shift. You
17 mentioned the requirement to payback a swap.

18 Is there a way in the CATS database
19 to see if a swap is incomplete?

20 MR. ROBINSON: Same objection.

21 BY THE WITNESS:

22 A. I'm sorry. I'm not 100 percent sure what
23 you're asking me for.

24 Q. So these designations that we're looking
25 at right here that are used within the database for

1 a given employee, is there a way for me to determine
2 if a swap was not completed between two employees?

3 A. I am not sure what the "has not been
4 completed" means.

5 Q. What is a one way swap?

6 A. That's a swap where you would just give
7 time to another employee. There's no essentially
8 payback date. So my hours are being given to you.

9 Q. How is that designated in the database?

10 A. It is not.

11 Q. When SWOF appears in the CATS database,
12 that shows that there's a completed swap, correct?

13 MR. ROBINSON: Object to form.

14 BY THE WITNESS:

15 A. I'm sorry. That question isn't clear on
16 "completed swap."

17 Q. In our agreement to work each other's
18 shifts, we each work each other's shifts in exchange
19 for each other's off time; is that right?

20 MR. ROBINSON: Object to form, vague.
21 And counselor, your usage of the word "we," could
22 you be more specific?

23 BY MS. HILLS:

24 Q. In our hypothetical where I work your
25 shift and you work my shift, when would a swap off

1 be shown in the CATS database for us on the shifts
2 that we each gave away?

3 MR. ROBINSON: Object to form.

4 You can answer to the best of your
5 ability, Ms. Gray.

6 BY THE WITNESS:

7 A. So if we have entered the time in as a
8 swap, and I am not going to work because you're
9 going to work my shift on my schedule, it shows as a
10 swap off, and that same day on your schedule shows
11 as a swap.

12 Q. And the inverse is true as well, correct?

13 MR. ROBINSON: Object to form.

14 BY MS. HILLS:

15 Q. Would each of our schedules have a swap
16 off on the calendar?

17 MR. ROBINSON: Object to form.

18 BY THE WITNESS:

19 A. So on the time off on the time sheet, it
20 would show that, assuming it was a two-way swap or a
21 swap with a payback. If it was one way, there would
22 be nothing on the other side.

23 MS. HILLS: Okay. Do you want to do a
24 ten-minute break?

25 MR. ROBINSON: Whatever you prefer.

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1 Ms. Gray, would you like a ten-minute
2 break or would you like to keep going?

3 THE WITNESS: I could keep going. We're
4 okay.

5 MS. HILLS: Let's do a ten-minute break,
6 if that's okay with you y'all.

7 MR. ROBINSON: Not a problem.

8 THE VIDEOGRAPHER: Please stand by. We
9 are going off record at 3:53 p.m.

10 (Break in the proceedings taken
11 at 3:53 p.m.)

12 THE VIDEOGRAPHER: We're back on record
13 at 4:05 p.m.

14 You may proceed.

15 BY MS. HILLS:

16 Q. We're going to stay in this same
17 document, Exhibit 8. That's Bates number 442. I
18 just wanted to run through some of these columns
19 with you.

20 So starting with column B, you see
21 that it says personnel number?

22 A. You're on the one --

23 Q. First row, Row 1, Column B. Do you see
24 that says "personnel number"?

25 A. Correct.

1 Q. In the rows below, does it appear like
2 those are all the same personnel number?

3 A. Not being able to filter, but yes, they
4 do appear to be the same person.

5 Q. And the next column, column C, that's the
6 date?

7 A. Correct.

8 Q. And do you see even with those first two
9 rows, Row 2 and Row 3, do you see that those are
10 both for the same date, January 15, 2021?

11 A. Correct.

12 Q. And then in the fourth row, it's
13 February 15, 2021?

14 A. Yes.

15 Q. And then going over to Column F, it's
16 titled ATT/ABS. Do you know what that means?

17 A. Yes. It is the attendance absence type.

18 Q. And then do you see the first row below
19 Row 2, that there's nothing in that column?

20 A. Correct.

21 Q. I'll have you scroll down the Row 62, if
22 we're still looking at Column F, do you see that
23 column begins being filled on Row 62?

24 A. Yes.

25 Q. And it looks like that aligns with the

1 date March 6 of 2022?

2 A. Yes.

3 Q. Okay. And then going back up on the top,
4 do you see Column G is titled "Wage Type"?

5 A. Yes.

6 Q. Do you see below that there are numbers
7 in the rows below of 1202, 1210?

8 A. Correct.

9 Q. If you scroll down to again Row 62, do
10 you see that the data in Column G discontinues on
11 Row 62?

12 A. That is correct.

13 Q. Again, that's corresponding with the date
14 of March 6, 2022?

15 A. That is correct.

16 Q. All right. Back up to the top, do you
17 see that Column K is entitled "Created on"?

18 A. Yes.

19 Q. It looks like there are dates in that
20 column?

21 A. Correct.

22 Q. Do you understand that to be the date
23 that the entry was created?

24 A. Yes.

25 Q. Just taking our first row as an example,

1 Row 2, do you see that the date in Column K for
2 "created on" is January 21, 2021?

3 A. Yes. That's correct.

4 Q. And then if we compare that to the date
5 in Column C for Row 2, do you see that's January 15,
6 2021?

7 A. Yes.

8 Q. So it appears that the entry was created
9 near the time -- the date in Column C?

10 A. I'm sorry. I don't -- say that again.

11 Q. So the date in column C, the dates, do
12 those appear to be about an employee's schedule?

13 MR. ROBINSON: Object to form.

14 BY THE WITNESS:

15 A. I don't think I still understand your
16 question.

17 Q. Sure. Does the date in Column C on this
18 document, does that represent schedule data for an
19 employee on the date in Column C titled "Date"?

20 MR. ROBINSON: Object to form, vague.

21 BY THE WITNESS:

22 A. So, no, this is -- there's no schedule
23 data really here at all.

24 Q. Why is that?

25 A. Well, on 1/15 of 2021, this employee was

1 manually tracked. And so their data, if they had
2 additional hours or differentials or anything that
3 was outside of regular time for us, they'd send it
4 to us, it got posted the last day of the pay period,
5 so there's nothing here that tells you that this for
6 sure was solely -- that it was because of their
7 schedule on 1/15 of 2021.

8 Q. Does it tell me what the employee worked
9 on the date of 1/15/21?

10 A. No.

11 Q. You said this employee was manually
12 tracked. How did you know that?

13 MR. ROBINSON: Object to form.

14 BY THE WITNESS:

15 A. So are you asking as of result of this
16 file or because of what I know?

17 Q. In your last answer, you said this is
18 showing someone who is manually tracked. Are you
19 saying that in this spreadsheet?

20 A. Yes.

21 Q. Where are you seeing that?

22 A. Column AA where under short text, it says
23 "manual."

24 Q. And then if you stay in that column, if
25 we go, again, down to row 62, do you see that

1 identification "manual" discontinues?

2 A. Yes.

3 Q. And Column S at the very top, do you see
4 that's titled the "Logical System"?

5 A. Yes.

6 Q. Do you know what that means?

7 A. I don't know the exact definition.

8 Q. Do you have -- do you know the inexact
9 definition?

10 MR. ROBINSON: Object to form.

11 You may answer to the best of your
12 ability, Ms. Gray.

13 BY THE WITNESS:

14 A. Based off of what I see in the column,
15 HPE is the production version of SAP so...

16 Q. And then in Column M, do you see it is
17 called "Created By"?

18 A. Correct.

19 Q. And then below that, it says ZSYS_CT LM.
20 Do you know what that means?

21 A. Yes.

22 Q. What does that mean?

23 A. It means that it was created by or via
24 Control M which is the process they used to upload
25 data.

1 Q. For this one, too, do you see that in Row
2 62, for that column -- Row 62, Column M, do you see
3 that it switches over to numbers?

4 A. Yes.

5 Q. Do you know what those numbers present?

6 A. The employee who actually created the
7 record initially.

8 Q. If we change the tab again over to where
9 it says "Legend" up at the top, you see it says
10 ADHW, and so if we go back over to the first tab, we
11 can go to Row 62 again, and in Column F -- Column F.
12 Do you see that Row 62, Column F says ADHW?

13 A. Yes.

14 Q. Does that show that the employee had
15 additional hours worked on that date March 6, 2022?

16 MR. ROBINSON: Object to form.

17 BY THE WITNESS:

18 A. Yes, it does.

19 Q. And then one row down 63, on the same
20 column, where it says REGU, does that show that this
21 employee worked regular hours on March 10, 2022?

22 A. Yes.

23 Q. And then if you could go down to Row 304.

24 A. Okay.

25 Q. And that in Column F still, do you see

1 that it says SWOF?

2 A. Yes.

3 Q. Does that show that an employee swapped
4 off on October 18, 2022?

5 MR. ROBINSON: Object to form.

6 BY THE WITNESS:

7 A. Yes.

8 Q. And this date, October 18, 2022, do you
9 believe that's later than when crew tracking
10 switched over to the MyTime system?

11 MR. ROBINSON: Object to form.

12 BY THE WITNESS:

13 A. Yes, I do believe that was after they
14 moved over to MyTime.

15 Q. Is it possible if we go back up to Row
16 62, you see that on for Row 62, March 6, 2022, there
17 are several changes in how the data appears from the
18 row above it?

19 A. Yes.

20 Q. Is it possible that this is around the
21 time that crew tracking transitioned to MyTime?

22 A. Yes. It could be very possible that that
23 was the exact date or somewhere in that range.

24 Q. If you go back up on the top the farthest
25 column to the right, you see it is titled "number"

1 and parenthesis "Unit"?

2 A. Yes.

3 Q. What does that represent?

4 A. This is the number of hours that are
5 going to be paid at whatever wage type and/or
6 attendance/absence type listed in the file on that
7 row.

8 Q. In the legend tab, if we go back up on
9 the top, are we able to -- do any of these symbols
10 represent overtime?

11 MR. ROBINSON: Object to form.

12 BY THE WITNESS:

13 A. I'm sorry. Can you repeat that?

14 Q. Yeah. In the Legend tab, it looks like
15 there's a block of -- two blocks of Legend, first
16 one is Rows 1 to 22, and then there's another on
17 Rows 27 to 42.

18 Do you see that?

19 A. Yes.

20 Q. So in the top section, do any of these
21 represent overtime?

22 MR. ROBINSON: Same objection.

23 BY THE WITNESS:

24 A. No, they don't.

25 Q. How about in that second legend?

1 A. Yes.

2 Q. If we go back to rows -- I'm sorry. Oh,
3 yeah. In that second group, what are the numbers
4 that represent overtime? Go ahead.

5 A. The wage type for overtime at 1.5 is 1202
6 and overtime at 2 times is 1203.

7 Q. If we go back to Row 62 and you will see
8 in that row there's nothing in Column G, correct?

9 A. Correct.

10 Q. But there is the identifier in Column F
11 for additional hours worked, correct?

12 A. Correct.

13 Q. How do I know if this employee was paid
14 overtime on this date in Row 62?

15 A. Based off of this report, you don't know.

16 Q. How would I find that out?

17 A. To go to the paycheck or in SAP, you
18 could look it up in the window that tells you how a
19 day is paid.

20 Q. What window is that?

21 A. I don't know the exact T code. I'd
22 actually have to be working in SAP to have that.

23 Q. We're going to do the same thing with
24 another document. I'll first show you the cover
25 sheet for it and then we'll look at the actual Excel

1 spreadsheet.

2 A. Okay.

3 MS. HILLS: Okay. Introducing Exhibit 9
4 and that is just the cover sheet for Bates number
5 6607.

6 (Deposition Exhibit 9 was marked
7 for identification.)

8 BY MS. HILLS:

9 Q. Do you have that open?

10 A. I do have it open.

11 Q. Do you see on that metadata table that
12 you are listed as the custodian for this document?

13 A. Yes.

14 Q. And then do you see that the file name is
15 "BA Training Matrix only"?

16 A. Yes.

17 Q. Is that file name familiar to you?

18 A. I could guess what it is. I don't know
19 exactly what without looking at it.

20 Q. Do you see the author is Remeka Turk?

21 A. Yes.

22 Q. Do you know who that is?

23 A. Yes.

24 Q. Who is that?

25 A. She worked on buildings and training

1 materials for us for the bid and award project.

2 Q. What is the bid and award project?

3 A. Well, Delta -- several years ago Delta
4 was working to build a new time and attendance
5 system for bid and award use for people who shift
6 bid, vacation bid, to do swaps, and to do time off,
7 all in a singular application.

8 Q. When was that?

9 A. They started it a while back. I don't
10 know exactly when it started. It was a portion of
11 Project Horizon.

12 Q. Is it "Ms. Turk;" is that correct?

13 A. Yes.

14 Q. So she's a Delta employee?

15 A. She was at the time. I'm not sure if she
16 still is a Delta employee or not.

17 Q. What time would that be?

18 MR. ROBINSON: Object to form.

19 BY THE WITNESS:

20 A. At the time we were working on documents
21 like this, it would have been roughly 2018 or so.

22 MS. HILLS: I'm now going to introduce
23 the actual Excel spreadsheet, and I will just
24 represent, Counsel, this was already marked as
25 Exhibit 7 in the previous deposition with Mr. Early,

1 and it is marked today as Exhibit 10.

2 (Deposition Exhibit 10 was
3 marked for identification.)

4 BY MS. HILLS:

5 Q. Are you guys seeing that you have the
6 ability to download that or is that still
7 unavailable?

8 A. It still says it's not available.

9 MS. HILLS: Could we go off the record
10 for just a moment?

11 THE VIDEOGRAPHER: Please stand by.

12 We are going off record at 4:31 p.m.

13 (Break in the proceedings taken
14 at 3:31 p.m.)

15 THE VIDEOGRAPHER: We are back on record
16 at 4:34 p.m.

17 You may proceed.

18 BY MS. HILLS:

19 Q. I want to confirm that you have open what
20 is labeled Bates 6607.

21 MR. ROBINSON: Yes. This is,
22 Mr. Robinson, counsel for defendant, and you
23 mentioned that you were introducing what is
24 Exhibit 10, which in a previous deposition was
25 marked as Exhibit 7, and that those two exhibits are

1 the same; is that correct?

2 MS. HILLS: That is correct. Could you
3 confirm that it is opened on Excel?

4 MR. ROBINSON: Yes.

5 BY MS. HILLS:

6 Q. Ms. Gray, just to make sure we're looking
7 at the same thing, do you see a color bar at the
8 top? Actually, I'll first -- do you see several
9 tabs at the bottom, we have Home, Leadership, Admin,
10 Genius?

11 A. Yes.

12 Q. And the leadership tab, does that appear
13 to be yellow or gold colored?

14 A. Yes.

15 Q. Okay. Great. Does this document look
16 familiar to you?

17 A. Not necessarily this exact document, but
18 I have seen similar.

19 Q. If you could go to the Tab "TO," in
20 capital letters, "Admin"?

21 A. Sure.

22 Q. Actually before we go there, I'll have
23 you go to the tab that is titled "Leadership."

24 A. Okay.

25 Q. So does this look like a schedule of some

1 kind?

2 MR. ROBINSON: Object to form, vague,
3 with regard to the characterization of the document.

4 MS. HILLS: I'll restate.

5 BY MS. HILLS:

6 Q. On the tab that is titled Leadership in
7 Exhibit 10, do you see at the top of the page it
8 says "Leadership Training Agenda"?

9 A. Yes.

10 Q. And below that, do you see it says
11 "two-day class"?

12 A. Correct.

13 Q. And lower down we have day 1 and day 2?

14 A. Correct.

15 Q. So does this appear to be an agenda for a
16 two-day training session?

17 A. Yes.

18 Q. Do you remember this training?

19 A. No.

20 Q. But now we can go to the top that says
21 TO, just "TO," do you see the top says "Training
22 Matrix"?

23 A. Yes.

24 Q. And then just below that, it says "Change
25 Management"?

1 A. Yes.

2 Q. And then we're still at the top, do you
3 see that it says "Policy/Process" --

4 A. Yes.

5 Q. -- in Column E?

6 A. Yes.

7 Q. And then there's "What's Changing" in
8 Column F?

9 A. Yes.

10 Q. In Column G, it says "Significant Pain
11 Points"?

12 A. Yes.

13 Q. Do you understand what this tab is
14 representing?

15 MR. ROBINSON: Object to form.

16 BY THE WITNESS:

17 A. Not 100 percent. Again, I didn't design
18 it so, again, I would be using my thoughts of what
19 this would be for.

20 Q. What do you think this would be for?

21 A. My understanding or what I believe this
22 is for is part of the change management process as
23 they were transitioning from one product to another.

24 Q. Would that be the transition from MPS to
25 SAP?

1 A. Can you elaborate on that?

2 Q. Is it possible that this is a training
3 about the transition from MPS to SAP?

4 MR. ROBINSON: Object to form.

5 BY THE WITNESS:

6 A. It's still a little bit unclear because I
7 don't --

8 Q. Specifically, could this be a training
9 about the transition from MPS to MyTime, which is
10 housed within SAP?

11 MR. ROBINSON: Object to form.

12 BY THE WITNESS:

13 A. So not necessarily. So there were two
14 MyTime applications. So MyTime that was being built
15 for bid and award, this would have referenced for
16 those who were transitioning from any other system
17 into that bid and award system, once it was able to
18 go live. The MyTime that is currently available is
19 not the same application.

20 Q. If we stay on the tab and if you can go
21 down the Row 22.

22 A. Sure.

23 Q. And it will say 22 on the far left, but
24 then within the document, it says Row 28 or Row 18,
25 just so we're clear.

1 Do you see in Column E where it says
2 "Conversion from MPS to SAP"?

3 A. I do.

4 Q. Going back to what you were saying, do
5 you believe this document concerns the -- would you
6 call it -- is there a pilot version of MyTime?

7 MR. ROBINSON: Object to form.

8 BY THE WITNESS:

9 A. There was a pilot version of the bid and
10 award program.

11 Q. Is that what you believe this document is
12 discussing?

13 A. Yes, from that my best understanding,
14 that would be that particular application.

15 Q. Why is that?

16 A. Because the other version of MyTime does
17 not have anything -- it doesn't have any -- it
18 doesn't have the shift in vacation bidding
19 applications in it. So it wouldn't have been the
20 same thing.

21 Q. Does Delta commonly put together
22 spreadsheets like this to facilitate training to new
23 software systems?

24 MR. ROBINSON: Object to form, compound.

25 You may answer, Ms. Gray.

1 BY THE WITNESS:

2 A. I'm not sure it is done on every
3 application. Again, I'm only privy to the
4 applications I'm privy to.

5 Q. Have you seen something like this
6 document for other software transitions?

7 A. Actually, just for the particular one for
8 bid and award.

9 Q. The author we saw on the metadata page
10 for this document, Ms. Turk, did she prepare other
11 training documents similar to this one?

12 MR. ROBINSON: Object to form. For the
13 sake of the record, are you referring to Exhibit 9,
14 Counsel?

15 MS. HILLS: Yes, the Exhibit 9, the cover
16 sheet for Exhibit 10, Bates 6607.

17 BY THE WITNESS:

18 A. I know that she did some step action
19 guides for us, but I'm not sure what other kinds of
20 documents she might have put together.

21 Q. Could you remind me of her title again?

22 A. I don't know what her title would have
23 been. She just worked on our project helping with
24 us getting things ready for training.

25 Q. Does this document represent the training

1 that was conducted -- the leadership training that
2 was conducted for the two-day period?

3 MR. ROBINSON: Object to form.

4 BY THE WITNESS:

5 A. I'm not sure I understand your question.

6 Q. Did you -- did you join the -- join a
7 two-day training session that we looked at the
8 agenda on the leadership tab? Did you say that you
9 remembered joining that training?

10 A. I didn't participate in that training.

11 Q. Do you know who would have?

12 A. I'd have to guess they would have trained
13 the leadership for the groups that were going to
14 actually be within this pilot.

15 Q. I'll have you go back to the tab that was
16 entitled "Swaps."

17 A. Sure. Okay.

18 Q. You see that I think Column E says
19 "Policy Or Process"?

20 A. Okay.

21 Q. Column F says "What's Changing"?

22 A. Correct.

23 Q. And then do you know what this means by
24 "Significant Pain Points"?

25 A. Again, having not written it, I think

1 these were the things they wanted to -- they thought
2 that might have provided questions from employees or
3 admins or leaders that they would want to make sure
4 that they addressed.

5 Q. Who is they?

6 A. Whoever executed the training itself.

7 Q. Do you know who would have led a training
8 like this one?

9 MR. ROBINSON: Object to form, calls for
10 speculation, asked and answered.

11 BY THE WITNESS:

12 A. It's several years ago. I've no idea who
13 actually did their trainings.

14 Q. Do you know which title -- which position
15 would have led a training similar to this one?

16 MR. ROBINSON: Same objection.

17 BY THE WITNESS:

18 A. No, I don't think there was a title per
19 se. It would have been whoever on the project was
20 asked to do that. I don't know who that is.

21 Q. Going to row 21, it is also numbered Row
22 18 in Column B, it says that swaps in Column C?

23 A. Yes.

24 Q. For Column F in the same row, you see
25 that it says "MyTime allows the business to post

1 additional opportunity hours for employees to pick
2 up on a first come/first serve basis"?

3 A. Yes.

4 Q. What are "additional opportunity hours"?

5 A. Additional opportunity hours was the
6 equivalent of the company saying, hey, I need you to
7 come in to help where we might have a shortage.

8 It was listed as opportunity hours
9 because depending on what their schedule is, we
10 didn't know how it was going to pay. So it is just
11 essentially the ability for me to pick up extra time
12 if I have availability as an employee in the system.

13 Q. Is that considered a swap?

14 A. It is not.

15 Q. Do you know why this row would be titled
16 "swaps"?

17 A. Not -- not really. I think it just fell
18 into this particular category I guess. I don't
19 know. Again, having not written it, I can't tell
20 you the intention of who might have written it.

21 Q. The next row down, Row 2219, do you see
22 that's also titled "Swaps."

23 A. Yes.

24 Q. Did the transition from MPS to MyTime
25 make it so that when employees pick up an additional

1 shift, it would no longer count toward overtime?

2 MR. ROBINSON: Object to form
3 characterization of the exhibit.

4 You may answer.

5 BY THE WITNESS:

6 A. I would like a little bit of
7 clarification, if possible.

8 Q. Did switching from MPS to MyTime change
9 how overtime was calculated in instances of swap
10 offs?

11 A. No.

12 Q. We can just run through just quickly the
13 rest of the tabs so you can see them. I'll have you
14 click on Genius. That one is empty.

15 A. Okay.

16 Q. And then TO Admin, do you see this is a
17 similar training matrix?

18 A. Correct.

19 Q. Then we have the tab titled Roster?

20 A. Yes.

21 Q. You see that is an organized similarly,
22 "what's changing, significant pain points," yes?

23 A. Yes.

24 Q. And then looks like there's a tab "VAC,"
25 do you understand that to be vacation?

1 A. For the vacation bid itself, yes.

2 Q. Does it look like this document -- all of
3 these tabs were created to facilitate training as to
4 the MyTime bid?

5 MR. ROBINSON: Object to form, vague,
6 mischaracterizes Ms. Gray's testimony.

7 MS. HILLS: I wasn't characterizing the
8 testimony. It was a question.

9 MR. ROBINSON: It's vague "to all tabs."
10 Be more specific.

11 BY MS. HILLS:

12 Q. Ms. Gray, did we just run through all of
13 the tabs in this document?

14 A. Not through all of them but --

15 Q. Which ones -- are there any we haven't
16 seen?

17 A. Yes, there's a tab for Corporate, Other,
18 Absence, Pay Types, and there's other things that
19 continue to move over to the right. There are
20 several tabs that we didn't look at.

21 Q. Okay. Let's pull those up. Do you see
22 the one that's called "Corp"?

23 A. Hm-hmm.

24 Q. Does this appear to be organized
25 similarly?

1 A. Correct.

2 Q. With a training matrix and change
3 management?

4 A. Yes.

5 Q. And then if you want to go to the one
6 titled "ABS_Pay Types," are the codes on this page
7 familiar to you?

8 A. Yes, they are.

9 Q. And then let's go to the tab called "Swap
10 Rules."

11 A. Okay.

12 Q. Do you see that it says "swaps between
13 work areas not permitted"?

14 A. Yes.

15 Q. Is that true?

16 MR. ROBINSON: Object to form.

17 BY THE WITNESS:

18 A. That is -- it is depending upon the work
19 areas. There are work areas that are not allowed to
20 swap between them.

21 Q. Have you seen a list like this one before
22 or does this list look familiar to you?

23 MR. ROBINSON: Object to form.

24 BY THE WITNESS:

25 A. Yes.

1 Q. We may have hit it, maybe not, but the
2 tab called "Home"?

3 A. Okay.

4 Q. And do you see that this is an inch -- it
5 says agenda in the middle?

6 A. Yes.

7 Q. Altogether, does this seem to be a
8 document that facilitated training at Delta?

9 MR. ROBINSON: Object to form.

10 BY THE WITNESS:

11 A. So, I'm going to say no. It didn't
12 facilitate training. This is the type of document
13 that would be used to help write training material.

14 Q. What about the Leadership tab that said
15 "Leadership Training Agenda"?

16 A. My personal thoughts on this as I'm
17 preparing to set up training, the first thing I do
18 as I've built out what I'm going to do is I prepare
19 an agenda. All it is is all of the pieces that we
20 would want to hit on as we got ready to deliver it.
21 There would have been separate documentation at the
22 time of training.

23 Q. But you were not involved in a two-day
24 class?

25 A. I did not attend the two-day class.

1 Q. We're going to go to another document.

2 A. Okay.

3 Q. This one is another spreadsheet and we'll
4 do the same thing, going over the cover sheet first.

5 MS. HILLS: Okay. I'm introducing
6 Exhibit 11. This is just the cover sheet for
7 Bates 6516. Let me know when you have that open.

8 (Deposition Exhibit 11 was
9 marked for identification.)

10 BY THE WITNESS:

11 A. I have it and it is open.

12 Q. Do you see the custodian for this
13 document is John Early?

14 A. Yes.

15 Q. And you report directly to John Early,
16 correct?

17 A. Yes.

18 Q. Again, the author is Ms. Turk?

19 A. Yes.

20 Q. And for this one, you see the file name
21 is "Book7" as an Excel file?

22 A. Yes.

23 Q. Is that familiar to you?

24 A. No.

25 MS. HILLS: This was in the email that I

1 sent over to counsel.

2 MR. ROBINSON: The document was been
3 received, and I have gone ahead and opened it in
4 Excel.

5 MS. HILLS: I will also add it in Exhibit
6 Share so that all the bases are covered, and I'm not
7 sure if I already said, this was previously Exhibit
8 No. 5 in Mr. Early's deposition. It is now being
9 marked as Exhibit 12, Bates number 6156.

10 (Deposition Exhibit 12 was
11 marked for identification.)

12 BY MS. HILLS:

13 Q. Do you have that open in Microsoft Excel?

14 A. Yes, I do.

15 Q. Does this document look familiar to you?

16 A. It looks fairly similar to the one we
17 looked at, but do I know this one specifically, no.

18 Q. Do you see that the title is
19 "Leadership/Admin Training Matrix"?

20 A. Yes.

21 Q. Again, we have columns that say
22 "policy/process" same as the last one, right?

23 A. Correct.

24 Q. Do you see we have "What's Changing"?

25 A. Yes.

1 Q. And "Significant Pain Points"?

2 A. Yes.

3 Q. If you go to Row 66.

4 A. Okay.

5 Q. Under or in Column D "Policy/Process,"

6 what is listed in Row 66?

7 A. It says ADHW.

8 Q. What does that mean?

9 A. Additional hours worked.

10 Q. And then do you see under What's
11 Changing, in this row, it says "OT/DT is now entered
12 as ADHW (additional hours worked)"?

13 A. Yes.

14 Q. So did you understand the transition from
15 MPS to SAP to change how overtime was represented in
16 the data?

17 MR. ROBINSON: Object to form, vague as
18 to data.

19 BY THE WITNESS:

20 A. Can you restate that for me again? I'm
21 sorry.

22 Q. Yeah. Did you understand the transition
23 from SAP or, I'm sorry, from MPS to SAP to alter how
24 overtime was represented in employee's schedules?

25 A. Yes. But over time is not depicted in an

1 employee's schedule in MPS.

2 Q. What do you mean by that?

3 A. Meaning they -- in their schedule itself,
4 their schedule doesn't say overtime or double time
5 in it. Their schedule is their schedule.

6 Q. And then how about on their -- let's see.
7 One second.

8 How about in their hours worked?

9 MR. ROBINSON: Object to form.

10 BY THE WITNESS:

11 A. What do you mean "as in their hours
12 worked"?

13 Q. What -- so does SAP not contain the data
14 for time worked -- actually worked by employees?

15 MR. ROBINSON: Object to form, vague.

16 You may answer, Ms. Gray.

17 BY THE WITNESS:

18 A. SAP does contain the hours that an
19 employee works.

20 Q. That was my mistake. In my head, I mix
21 up SAP and MPS.

22 Does MPS contain the data of the
23 hours worked by employees?

24 MR. ROBINSON: Same objection with
25 regards to that.

1 BY THE WITNESS:

2 A. Yes, an employee's time that they work
3 does get posted to MPS.

4 Q. And does the MPS data show whether an
5 employee worked overtime or double time?

6 A. In MPS, the timekeeper, when the employee
7 works extra hours, they have the ability as the
8 timekeeper to say overtime or double time, but it
9 doesn't necessarily pay that way for the employee.
10 It still has to go to SAP to run the time evaluation
11 to determine how that date pays to take account for
12 everything that applies within their schedule.

13 Q. So an employee tracked through MPS may
14 have OT or DT on their time collection data that
15 will not actually pay out as overtime, am I
16 understanding you correctly?

17 A. It's not 100 percent correct. So in
18 their time collection data, it has their hours. The
19 timekeeper has to explain time that's outside of the
20 schedule.

21 So if I worked additional hours, the
22 timekeeper typically would put on ST, straight time,
23 in certain divisions. Other divisions they used OT.
24 I don't remember seeing anybody actually put DT, but
25 that designation is just to say that they worked

1 additional hours. The window says overtime, but it
2 is additional hours. But that data still has to go
3 to the rules engine. Whether that rules engine, you
4 know, when it went into SAP, it then takes a look at
5 it, applies the rules based off of that employee's
6 individual work week, and the activities that
7 happened within that week to determine how that day
8 pays. So there's not really a change in that piece.

9 Q. So just to make sure I follow, the switch
10 from MPS to SAP, it did change how overtime was
11 reflected in attendance records?

12 MR. ROBINSON: Object to form.

13 BY THE WITNESS:

14 A. On the version of the employee's time
15 sheet or within the roster it shows there.

16 Q. So an employee's roster is separate from
17 their schedule?

18 A. Yes. Their schedule is before they work
19 it. The roster is after they've worked it.

20 Q. Thank you. Do you know whether this
21 document was used to facilitate training of
22 leadership or administrators?

23 A. I can't say that. I don't believe it
24 was, but, again, I did not craft it. But if it's
25 just labeled Book7, chances are it's not a

1 legitimate item that would have been saved from
2 project documentation. It was a draft most likely.

3 MS. HILLS: We'll move on to the similar
4 document presentation. This will be the slip sheet
5 for Bates 6610 and then we can move over to the
6 Excel spreadsheet.

7 MR. ROBINSON: Was this also sent in your
8 email, counselor?

9 MS. HILLS: What was that?

10 MR. ROBINSON: Was this spreadsheet also
11 sent in your email?

12 MS. HILLS: Yes. So this was previously
13 marked in Mr. Early's deposition as Exhibit 9.

14 So I'm introducing Exhibit 13, which
15 is just the slip sheet for Bates 6610.

16 (Deposition Exhibit 13 was
17 marked for identification.)

18 THE WITNESS: Okay, I have got it.

19 BY MS. HILLS:

20 Q. Do you know who Tiffany Croone is?

21 A. No.

22 Q. Have you seen her name at Delta?

23 A. I'm sorry?

24 Q. Have you seen the name in Delta?

25 A. No, never seen that name.

1 Q. Do you see the custodian is John Early?

2 A. Yes.

3 Q. I'll have you look at the file name
4 "Change Impact Matrix05" in Excel format.

5 A. Yes.

6 Q. Does that sound familiar to you?

7 A. It does not.

8 MS. HILLS: I'll go ahead and mark the
9 Excel, which again was previously marked in the
10 Early deposition as Exhibit 9. It will now be
11 Exhibit 14.

12 (Deposition Exhibit 14 was
13 marked for identification.)

14 MR. ROBINSON: Before you get into the
15 document, do you have any sense of how much longer
16 you are going to go. I'm trying to figure for
17 purposes of the record.

18 MS. HILLS: I don't think we'll be much
19 longer. We can take a break shortly after this
20 document and then --

21 MR. ROBINSON: We can keep on going.

22 MS. HILLS: Okay. Yeah, but I'm nearing
23 the end.

24 BY MS. HILLS:

25 Q. Do you have that open?

1 A. Yes, I do.

2 Q. Just to make sure we're seeing the same
3 version because the colors change a bit. Do you see
4 that the top row is a red background that says
5 "Impacts" in white font?

6 A. Yes.

7 Q. And then do you see, there are blue and
8 green and yellow and red cells to make sure we're
9 looking at the same thing?

10 A. Yes.

11 Q. Okay. Great. Do you recognize this
12 document?

13 A. No, I do not.

14 Q. Do you see there are column headers for
15 "Airport Customer Service"?

16 A. Yes.

17 Q. And then for "Res"?

18 A. Yes.

19 Q. As well as "Tech Ops"?

20 A. Correct.

21 Q. Sorry. One moment. I'm having an issue
22 with one of the tabs being hidden.

23 Do you see multiple tabs at the
24 bottom of your document?

25 A. I do not.

1 Q. Have you seen Delta-created documents
2 that assess the impact of changes in software?

3 MR. ROBINSON: Object to form, vague,
4 lacks specificity.

5 BY MS. HILLS:

6 Q. Has your work group created documents
7 that assess the impact of software changes in time
8 and attendance?

9 MR. ROBINSON: Object to form, vague.

10 You may answer to the best of your
11 ability, Ms. Gray.

12 BY THE WITNESS:

13 A. I mean, I guess similar to what we
14 looked -- the last exhibit but not like this, no, or
15 not this document.

16 Q. Have you created similar documents to
17 assess the impact of software changes in time and
18 attendance?

19 A. I have not.

20 Q. Do you know whether this document was
21 created for training purposes?

22 A. I don't know.

23 Q. We can close that.

24 So following the -- let me step back.
25 How many departments at Delta are still manually

1 tracked for their time and attendance?

2 A. My understanding is there was only four
3 left.

4 Q. And are there any plans to transition
5 those groups away from manual tracking?

6 A. Yes.

7 Q. What are those four groups?

8 A. I don't know them off the top of my head.

9 Q. Do you know any of them?

10 A. No, ma'am.

11 Q. Have there been any changes in the
12 overtime policy as it relates to swaps since the
13 transition of crew tracking from MPS to SAP?

14 MR. ROBINSON: Object to form.

15 THE WITNESS: Can you ask that again for
16 me?

17 BY MS. HILLS:

18 Q. Sure.

19 How many -- I'm going to ask a
20 different question.

21 How many departments are still using
22 MPS?

23 A. There's several departments still using
24 MPS.

25 Q. And Project Horizon that involved

1 transitioning departments from MPS to SAP, correct?

2 A. Project Horizon was for transitioning
3 people into the SAP bid and award application that
4 actually never launched. It got piloted.

5 Q. Okay. Do you have any concerns that
6 there is a confusion across departments about how
7 the overtime policy is applied in instances of
8 swaps?

9 MR. ROBINSON: Object to form, asked and
10 answered.

11 MS. HILLS: I'm going to clarify.
12 Earlier I asked that question about 2017 and now I'm
13 asking about the current time period.

14 MR. ROBINSON: You may answer to the best
15 of your ability, Ms. Gray.

16 BY THE WITNESS:

17 A. To my understanding, I don't think
18 there's this widespread misunderstanding about how
19 swaps impact overtime.

20 Q. Have you received any more complaints in
21 the last year or two about how the policy is applied
22 in instances of swaps?

23 A. No. We don't receive a lot of complaints
24 about that in general.

25 MS. HILLS: Okay. There will be another

1 document, but this one is not an Excel. So you will
2 be able to view it normally.

3 (Deposition Exhibit 15 was
4 marked for identification.)

5 BY MS. HILLS:

6 Q. I'm introducing Exhibit 15, and the Bates
7 number is 17087.

8 A. Exhibit 15.

9 Q. Yes.

10 A. I have it. Opening it now.

11 Q. I'll start on the metadata page, again.
12 Do you see you are the custodian for this document?

13 A. Correct.

14 Q. Do you see that the date is October 21,
15 2024?

16 A. Correct.

17 Q. And then I'd like to ask you about the
18 file name. It says "RE: MyTime ticket."

19 Do you see that?

20 A. Yes.

21 Q. And so when you receive tickets
22 concerning MyTime, did they -- are they given
23 identification numbers?

24 A. Yes, the system generates a ticket number
25 essentially.

1 Q. Okay. Go down to the first Bates
2 numbered page 17087, do you see that the top message
3 is a message from you to a Rebekah Ulsaker?

4 A. Yes.

5 Q. Does this look familiar to you?

6 A. That it's an email I'm sure -- and it has
7 my name on it, I'm sure it is mine, but I would have
8 to read it to know more about the details.

9 Q. Who is Rebekah Ulsaker?

10 A. She's one of the HR business partners.

11 Q. Is she assigned to a specific department?

12 A. I think she's assigned to more than one
13 department most likely in Flight Ops. I don't know
14 all of that for sure. I don't know the full
15 assignments.

16 Q. We'll go ahead and scroll -- actually
17 we'll stay here. So you are -- on this first page,
18 are you responding to Ms. Ulsaker from a forwarded
19 message?

20 A. Yes. She forwarded me a message. I
21 responded back, correct.

22 Q. Okay. If you want to go down to the page
23 Bates numbered 17090, it is also PDF page 6 in this
24 document.

25 A. Okay.

1 Q. And do you see there's a message from a
2 L'orelle Meeks?

3 A. Yes.

4 Q. Do you know who that is?

5 A. No, I do not.

6 Q. Who is Chaz Dale?

7 A. Chaz Dale is one of the leaders on my
8 team.

9 Q. In time and attendance?

10 A. Yes.

11 Q. Does he report to you?

12 A. Yes.

13 Q. We'll move down to the next page earlier
14 in time, and then do you see the beginning on 17090
15 at the bottom, that was a message from Todd Miranda?

16 A. Yes.

17 Q. And that's on July 16, 2024?

18 A. Yes.

19 Q. And then is that addressed to your
20 report, Chaz Dale?

21 A. There are two of them on that page for
22 the same date. One is addressed to him and one is
23 not and they're both from Todd Miranda.

24 Q. I'm looking at the very bottom one at
25 10:58 a.m.

1 A. Hm-hmm.

2 Q. Do you see that message carries over to
3 the next page, 17091?

4 A. Yes.

5 Q. Okay. And then I'll just go ahead and
6 read this. It says, "Hi Chaz, will you please take
7 a look at the thread below. L'orelle swapped off
8 June 30 and then swapped to work June 7, she then
9 worked extra hours on June 9, and we believe June 9
10 should pay 8.0 OT and 3.0 DT because the employee --
11 'they' employee worked her scheduled hours (48.0
12 prior to working the OT)."

13 Did I read that correctly?

14 A. You did read that correctly.

15 Q. Do you see the list below has the dates
16 mentioned in the message, June 3, 4, 5, 6, 7, 8, and
17 9?

18 A. Yes.

19 Q. Do you understand that this represents a
20 week of an employee's schedule?

21 A. Yes. This would be the time between
22 those two dates when she was scheduled or what she
23 actually did most likely.

24 Q. And then do you think this employee was
25 due overtime in this scenario?

1 A. They're due overtime for what?

2 Q. The week that we're looking at that
3 includes June 3, 4, 5, 6, 7, 8 and 9?

4 MR. ROBINSON: Object to form.

5 BY THE WITNESS:

6 A. So with the data that I'm looking at so
7 what's based on this screen, the employee is not due
8 any overtime or double time on the 9th.

9 Q. Why is that?

10 A. Because the employee swapped off on 6/3
11 as stated, the employee swapped to work again on
12 6/7. The employee still has 12 hours of regular
13 work they are due because of the swap off.

14 Q. We'll go back up to 17090. You see up
15 top is a message from L'orelle Meeks on October 8,
16 2024?

17 A. Hm-hmm.

18 Q. Could you just read that message?

19 A. "Below is an example of the same scenario
20 in which I was paid out correctly. For this week, I
21 swapped off April 13 and swapped on April 17, yet I
22 was paid 48 hours of regular time, 4 hours of
23 overtime, and 22 hours of double time. This
24 discrepancy shows the inconsistency unless HR policy
25 has changed between now and then."

1 Q. Below that message, do you see it looks
2 like a snippet of a spreadsheet?

3 A. Correct.

4 Q. And do you see the date on that is
5 April 2024?

6 A. Yes.

7 Q. Has the policy for how overtime is paid
8 in instances of swaps changed between April 2024 and
9 October of 2024?

10 A. No.

11 Q. If you could scroll down to the page
12 numbered 17087.

13 A. Yes.

14 Q. About halfway through, do you see a
15 message from Chaz Dale to L'orelle Meeks and others
16 on October 21, 2024, at 4:56 p.m.?

17 A. Hm-hmm.

18 Q. And do you see where it says "it is
19 important that you feel heard and that I have taken
20 the time to discuss your concerns with your leaders
21 so they can better grasp the implications of swaps
22 and how they should be compensated"?

23 A. Yes, I see that.

24 Q. Below that, it says, "They will be
25 communicating with the team soon to clarify how this

1 process works. In good faith, I have arranged for a
2 reimbursement for the amount that was docked from
3 your 10/28 paycheck. Additionally I have asked
4 payroll to set up a repayment plan for you allowing
5 you to payback the owed amount in manageable
6 increments rather than as a lump sum."

7 Do you see that?

8 A. I do.

9 Q. Did you have any concerns in October
10 of 2024 that the policy regarding overtime in
11 instances of swaps was misunderstood?

12 A. No, I didn't have any concern. Please
13 understand that sometimes employees don't like the
14 policy, it's not that they don't understand it.

15 Q. So was this employee L'orelle Meeks
16 reimbursed for overtime rate pay that they should
17 not have been compensated?

18 MR. ROBINSON: Object to form.

19 BY MS. HILLS:

20 Q. Do you remember --

21 A. For one, I wasn't a part of the
22 conversation when this portion was coming in. You
23 remember, I was cc'd and FYed. So I don't really
24 necessarily -- I didn't get into a lot of those
25 details.

1 The other portion of this, I can't
2 tell you what she was reimbursed for unless I have
3 all of the pieces because even if they reimbursed
4 her, it's saying reimbursed for time that she was
5 docked. It doesn't say whether that time was for a
6 swap. It doesn't give me enough information.

7 This is, again, one of those
8 situations where there could have been more than one
9 thing going on in this email.

10 Q. But Chaz Dale reports directly to you,
11 correct?

12 A. Yes.

13 Q. On October 21, 2024, you responded to
14 Rebekah Ulsaker, "please let me know what you hear
15 back from her," correct?

16 A. Yes, that's correct.

17 Q. Do you remember what happened with this
18 situation after October 21?

19 MR. ROBINSON: Object to form. Counsel,
20 she's asked and answered this question.

21 BY THE WITNESS:

22 A. No. I don't know what happened after
23 that. I don't.

24 MS. HILLS: Okay. I think we can take a
25 quick break.

1 THE VIDEOGRAPHER: Please stand by.

2 Going off the record at 5:42 p.m.

3 (Break in the proceedings taken
4 at 5:42 p.m.)

5 THE VIDEOGRAPHER: We are back on record
6 at 5:50 p.m.

7 You may proceed.

8 MS. HILLS: Thank you, Ms. Gray, for your
9 time today. I have no further questions.

10 THE WITNESS: Thank you.

11 THE VIDEOGRAPHER: Thank you. Stay
12 online.

13 We are going off record at 5:51 p.m.,
14 and concludes today testimony. Master media will be
15 retained by Veritext Legal Solutions. Thank you
16 all.

17 (Off the record at 5:51 p.m.)
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REPORTER CERTIFICATE

I, JO ANN LOSOYA, a Certified Shorthand Reporter within and for the State of Illinois, do hereby certify:

That previous to the commencement of the examination of the witness, the witness was duly sworn to testify the whole truth concerning the matters herein; That the foregoing deposition transcript was reported stenographically by me, and the foregoing constitutes a true record of the testimony given and the proceedings had; That the said deposition was taken before me at the time and place specified; That I am not a relative or employee or attorney or counsel, nor a relative or employee of such attorney or counsel for any of the parties hereto, nor interested directly or indirectly in the outcome of this action.

IN WITNESS WHEREOF, I do hereunto set my hand this day, March 21, 2025.

A handwritten signature in cursive script, reading "Jo Ann Losoya", is written over a horizontal line.

JO ANN LOSOYA, CSR, RPR, CRR
C.S.R. 84-002437

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March 23, 2025

To: Mitch Robinson, Esq.

Case Name: Goodyear, Lukas v. Delta Airlines, Inc.

Veritext Reference Number: 7217640

Witness: Cheryl Gray Deposition Date: 3/19/2025

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown above, or email to production-midwest@veritext.com.

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,
Production Department

NO NOTARY REQUIRED IN CA

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 7217640

CASE NAME: Goodyear, Lukas v. Delta Airlines, Inc.

DATE OF DEPOSITION: 3/19/2025

WITNESS' NAME: Cheryl Gray

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have made no changes to the testimony as transcribed by the court reporter.

Date

Cheryl Gray

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal

this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 7217640

CASE NAME: Goodyear, Lukas v. Delta Airlines, Inc.

DATE OF DEPOSITION: 3/19/2025

WITNESS' NAME: Cheryl Gray

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

Date

Cheryl Gray

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They have listed all of their corrections in the appended Errata Sheet;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

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ERRATA SHEET
VERITEXT LEGAL SOLUTIONS MIDWEST
ASSIGNMENT NO: 7217640

PAGE/LINE(S) /	CHANGE	/REASON

Date Cheryl Gray
SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
DAY OF _____, 20_____.

Notary Public

Commission Expiration Date

[00000312 - 2021]

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[asked - based]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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